VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION

JANUARY 18, 2007
7:30 P.M.

1. ROLL CALL:

2. MINUTES: 11-16-06 Meeting

3. AGENDA:

   1. David Nystrom intends to build a house 35' high at 16301 Snyder Road. Maximum height allowed is 33'. In order to do this, Mr. Nystrom is required to appear before the PC and seek approval. NOTE: Mr. Nystrom presented the same plans to the ABR on 01-16-07. ABR had no objection to the 35' height, contingent upon PC approval on 01-18-07.

   2. Dynamic Design at 7639 East Washington Street wants to install solar panels, which are on poles. Development review approval is required in order for installation of the panels.

   3. Robert Belshaw of 1645 Bell Road wants to divide 1 lot into 4 flag lots. Development review approval is required for a minor subdivision.

   4. Continue to review and discuss the Comprehensive Plan: Pp.12, #1 Maintain existing zoning in the northeastern corner of the Village

4. OLD BUSINESS:

5. NEW BUSINESS:

6. ADJOURNMENT:

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

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

THE PLANNING COMMISSION
JANUARY 18, 2007
7:30 P.M.

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

2. MINUTES: 11-16-2006 **approved**

3. AGENDA:

   1. David Nystrom intends to build a house at 16301 Snyder Rd. Maximum height allowed is 33'. He wants to build a 35' high house. In order to do this, he is required to appear before the PC & seek approval. NOTE: He presented the same plans to the ABR on 1-16-07. The ABR approved the plans. But, it is contingent upon PC approval. **Brett made a motion to approve the 2' height variance for the house to be built at 16301 Snyder Road as there appears to be no adverse effects on surrounding lots. DiMichele seconds. Roll call. All yes. APPROVED**
   2. Dick Doerr of Dynamic Design, 7639 East Washington St. wants to install solar panels, which are on poles. Development review approval is required in order for installation of the panels. **Brett made a motion to approve the request for development review at 7639 East Washington St. to install solar panels on poles, not to exceed dimensions of 13' X 15' or overall height of 15' & in the placement indicated on the drawing, with the screening of three, six foot blue spruce trees, which is part of the plan. DiMichele seconds. Roll call. All ayes. CONDITIONAL APPROVAL**
   3. Formal discussion, with Robert Belshaw, 1645 Bell Road. He wishes to divide one lot into four flag lots. Development review approval is required for a minor subdivision. **The solicitor recommended that the PC defer the minor subdivision until & if the zoning variances are obtained from the ZBA.**
   4. Informal discussion with Keith Kimball, 1629 Bell Road. He would like to reconfigure two lots. His lots are part of the J.P. & P. Snavely minor subdivision & are noted as sublots 2 & 3 on a sketch he presented. **No action**
   5. Continue to review the Comprehensive Plan: Pp. 12, #1 Maintain existing zoning in the northeastern corner of the Village **Postponed to 2-15-07**

4. OLD BUSINESS: **The solicitor presented two drafts of ordinances in regard to septic systems:**
1). This one amends Section 2.01 (114) of the South Russell Zoning Code to exclude certain single- family residential septic systems from the definition of "structure." This one gives relief to the ZBA by an amendment to the zoning code & eliminates septic systems from the definition of accessory structures.
2). This one amends Chapter 1024 of the Codified Ordinances of the Village of South Russell by providing for regulations governing the installation of single-family residential septic systems within front yards of residential lots. This one sets up a system if someone wants to put a septic system in their front yard: they make an application, obtain county health department approval, obtain sworn statement from licensed septic installer or health department official indicating it is not reasonably possible to locate it in the rear or side yard, provide a screening plan. If request is granted, property owner needs to agree to a deed restriction for proper maintenance, repair & replacement of such screening.
The Building Commissioner would review these, make certain there is screening, that it is necessary to have it in the front yard & set conditions. The property owner would have to deed the property from themselves to themselves, which would cost $50-$100 for attorney fees & $10 to record with the county.
PC will address these at the next meeting.

5. NEW BUSINESS: **Next meeting: February 15, 2007 at 7:30 P.M.**
Building Commissioner talked to half a dozen business owners regarding issues they may have with the Village, & or regulations; no issues cited

6. ADJOURN:

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

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JANUARY 18, 2007
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, Ike Tripp
MEMBER ABSENT: John Dishong
OTHER OFFICIALS: Building Commissioner Hocevar, Solicitor Ondrey, Engineer Foley, Clerk Gallagher
GUESTS: Robert Belshaw, Dustin Keeney, Bob Wantz, Bill Haendiges, Robert Leskovec, David Nystrom, Dick Doerr, Erika Weliczko, George Clemens, Mark Doerr

Chairman Sutliff called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance to the Flag. Clerk Gallagher read the roll. Member Dishong was absent and Member Tripp arrived at 8:05 p.m. Mayor Brett made a motion to waive reading and approve the minutes of the November 16, 2006 Planning Commission Meeting, seconded by DiMichele. Roll call – ayes, all. Minutes were approved.

Sutliff asked the members to consider discussing the Comprehensive Plan at their next meeting, due to the number of other items on tonight's agenda. Members agreed.

The first item on the agenda was the discussion with David Nystrom who intends to build a house 35' high at 16301 Snyder Road; the maximum height allowed is 33'. Architectural Board of Review (ABR) approved the plans on January 16, 2007, contingent on approval of the Planning Commission, who determines the height variance. Building Commissioner and Engineer said they had no issue with the 35'. Mr. Nystrom said the roofline of the spec house is similar to the house next to it and is to be built on the very last lot in South Russell on the eastside of Snyder Road. Solicitor referred to page 35, footnote 14 of the Zoning Code and noted that topographical features should be taken into account as well as the adverse affects on contiguous lots. There is no provision in the Zoning Code requiring the notification of the variance hearing to contiguous property owners; no neighboring property owners were present at the meeting. **Brett made a motion to approve the 2' height variance for a house to be built at 16301 Snyder Road as there appears to be no adverse affects on surrounding lots. Second by DiMichele. Roll call – ayes, all. APPROVED**

Dick Doerr of Dynamic Design at 7639 East Washington Street (across from the Cleveland Clinic) wants to install solar panels on poles. Development Review approval is required for the installation of the panels. The 10' x 20' solar panels on top of poles are to be located on the side of the building in the back towards the Chagrin Falls Armory and the ballfields and are going to help produce electricity.

Ms.Weliczko of Repower Solutions distributed photos of the property on East Washington Street to members and said that the location would 15'-20' from the driveway and about 140' off the street and adjacent to the existing parking area. Building Commissioner said this is considered an accessory structure in the commercial district of the Village and needs Development Review of the Planning Commission. Building Commissioner said that the panels would be more than 15' off the side yard. Ms. Weliczko said the panels can be manually adjusted but do not move on their own; the pitch and direction can be adjusted. Ms. Weliczko said the electricity produced would not run the entire business; machines run full time, there are a number of people in the office and it takes more electricity to run than the average home, but the energy produced would take a significant chunk off of their electricity bill. Ms. Weliczko said the panels would face south and the backside of the panels would be seen from East Washington Street.

Brett said that the ball fields of Founders' Field are directly behind this property and asked if there would be any glare from these panels. Ms. Weliczko said there are trees about 40'-50' high to the south and does not believe sun glare would be a problem. Regarding vandalism, Ms. Weliczko said that if someone wanted to break the panels, she supposes they could, but the panels are put through serious tests, sustaining hailstorms, etc. Mr. Doerr said they were planning to put in some landscaping to screen the panels. Mr. Doerr said they are a printing business and most of the paper they use is recycled and they remodeled the building with recycled materials, all the waste was recycled and separated.

Mr. Doerr said the solar panels are a good marketing tool and should save them some money as the state offers grants and they should receive some federal tax credits. Mr. Doerr said the installation costs about $28,000 and with the grants it should cost around $10,000. Ms. Weliczko said the capacity is around 10-15% or 2,500 watts and would be about 7,000-kilowatt hours, which is roughly half of what the average home uses. Regarding the size of this unit, Ms. Weliczko said it is around 230 square feet and is 13' x 15' and that is the total surface area of all the modules assembled, although it will be tilted a little bit and the pivot point might be up to 12'.

Brett said that he is not opposed to this, but conditions such as not to exceed a certain width and height, square footage and screening may be needed. Ms. Weliczko said there are physical limits of how much square footage can be put on the pole, so it is not going to get any bigger. Ms. Weliczko said that the solar modules are 12 panels each about 4' or 5' high and 3' wide. Mr. Doerr submitted before and after plans, which show the landscaping. Solicitor said the Planning Commission has the ability to put in

conditions and screening would be acceptable as a condition, but he is not sure the Village zoning imposes any particular structure size. Building Commissioner said the square footage is 500' per acre.

Brett made a motion to approve the request for Development Review at 7639 East Washington Street to install solar panels on poles, not to exceed dimensions of 13' x 15' or overall height of 15' and in the placement indicated on the drawing, with the screening of three 6' blue spruce trees, which is part of the plan. Second by DiMichele. Roll call – all ayes. CONDITIONAL APPROVAL

Development Review of installation of solar panels on poles at 7639 East Washington Street was approved with conditions. Ms. Weliczko said they can now go ahead with the state application and installation could be in a couple of months or as long as a year from now. Building Commissioner stated the next step is to obtain a zoning permit and an electrical permit.

Robert Belshaw of 1645 Bell Road was present to discuss dividing his one lot into 4 flag lots; Development Review approval is required for a minor subdivision. Building Commissioner said one of the issues would be the 50' frontage on Bell Road and the other pertains to the rear lots regarding water sensitivity, which requires 3-acres minimum. Solicitor said the Zoning Code says there must be 150' of lot width at the building setback line and the Village defines it from the street right-of-way. Solicitor said lots 2, 3, and 4 must meet the requirement of minimum footage of 50' front yard set back. Solicitor said the Planning Commission might want to defer to the Zoning Board of Appeals (ZBA) for the necessary variances. Solicitor said the Planning Commission could approve the application contingent upon ZBA's approval. Bill Haendiges said he is the potential builder said Mr. Belshaw has somewhat of a hardship and the plan was laid out with conversations with the Building Commissioner.

Solicitor said according to the zoning definition, the lot line is the boundary of the lot separating it from the street. Solicitor said the definition says that the lot line must have a minimum front line of 50'. Solicitor said the front lot line is defined in the Zoning Code and says, "unless the context clearly indicates the contrary, the term front lot line is synonymous with street right-of-way line." Solicitor's interpretation is that each lot must have 50' on Bell Road. Solicitor said the plan could go before ZBA to seek a variance for the front lot line of 50' and the minimum width requirement regarding the front setback. Architect George Clemens said in the context of these lots being behind each other and off the street, perhaps the front lot lines should be looked at differently. Solicitor said according to the Zoning Code, the front lot line is "the lot line separating an interior lot from the street upon which it abuts…" Solicitor said that lots 2, 3, and 4 do not abut any street.

Mr. Clemens asked if there were any discussion regarding interior lots or a provision regarding landlocked lots. Solicitor said the Village does not want to encourage the creation of landlocked lots, frontage is needed for our lots otherwise people could be

creating lots in their backyards. Solicitor said in this instance the obstacles Mr. Belshaw face are so significant, it needs to go before the ZBA to seek the variances for this layout.

Sutliff said another significant issue is the lot size on lots 3 and 4. Solicitor said the Village only allows 3-acre zoning if you can demonstrate there is no water issue; in certain areas in the Village there are groundwater/aquifer problems and this is within that area. Solicitor said if you can demonstrate that you meet the minimum water requirements then you can go less than the 3-acre minimum. Building Commissioner said they could hire a hydrogeologist to prove it can support the wells and the Geauga County Health Department approves the septic systems.

Solicitor noted the following regarding minor subdivisions after the initial paperwork is submitted: 1) one parcel to be subdivided abuts a public street and does not involve opening, widening, or extension of any street, 2) no more than five lots will be included after the original parcel has been completely subdivided and 3) subdivision conforms to these rules and other applicable municipal, county and state law. Solicitor referred to shared driveways and said if variances are granted under a plan that shows shared driveways, the Planning Commission will look to see if it is an adequately shared driveway. Building Commissioner said it would have to be reviewed by the Engineer. Solicitor said we would take a look as to the language of the easements to make sure we do not see any problems.

Brett asked Solicitor to verify the difference between a formal and informal discussion. Solicitor said informal discussion is an opportunity for the developer to get some feedback of what the board liked or did not like and no one is bound by anything.

Solicitor recommended the board defer the minor subdivision until zoning variances are obtained. Mr. Haendiges said they withdraw their application and would take it up with the ZBA. Building Commissioner said that Mr. Belshaw should ask that his deposit be refunded.

Ike Tripp arrived at the meeting at 8:05 p.m.

Keith Kimball of 1629 Bell Road asked the Planning Commission to consider an informal discussion regarding the reconfiguration of his two lots. Mr. Kimball's lots are part of the J.P and P. Snavely minor subdivision and are noted as sublot 2 and 3 on a sketch submitted for the members to review. (Copy of sketch is attached.) Mr. Kimball noted that he would like to increase the size of sublot 2. Mr. Snavely has purchased the property on the eastside of Kimball's property and hopes to purchase some of sublot 3 to access his property. Brett asked Building Commissioner if there were any issue with moving the back lot line of sublot 3 forward 60'. Building Commissioner said that would not be a problem, as Mr. Kimball would be increasing the size of sublot 2. Solicitor said that the dilemma comes when Mr. Kimball some of his property sells to Mr. Snavely. Mr. Kimball asked if the members thought the ZBA would grant the side yard variance. Brett said he thought it would be a long shot as the Village is reviewing the Comprehensive Plan with regards to the northeast quadrant.

OLD BUSINESS: Solicitor drafted two ordinances regarding septic systems, one ordinance amends Section 2.01 (114) of the Village of South Russell Zoning Code to exclude certain single-family residential septic systems from the definition of "structure." The other amends Chapter 1024 of the Codified Ordinances of the Village of South Russell by providing for regulations governing the installation of single-family residential septic systems within front yards of residential lots. Solicitor distributed copies to members.

Solicitor said the first ordinance gives relief to the ZBA by an amendment to the Zoning Code and eliminates septic systems from the definition of accessory structures. Solicitor said the Planning Commission makes the recommendations to Council, Council holds a Public Hearing and then Council considers the adoption of the ordinance.

Solicitor said the second ordinance sets up a system where someone wants to put the septic system in their front yard, makes an application, obtains the county health board's approval, obtains a sworn statement from a licensed septic installer or a health department official indicating it is not reasonably possible to locate it in the rear or side yards and provides a plan for some kind of screening. Solicitor said if the request were granted, the property owners would need to agree to a deed restriction for proper maintenance, repair and replacement of such screening for the parcel. The Building Commissioner would be reviewing these, making sure there is some screening in place, it is necessary to have it in the front year and setting some conditions. Solicitor said a property owner would have to deed the property from themselves to themselves, which would cost $50-$100 for attorney fees and $10 to record with the county.

Sutliff said this is the first time the members have seen these ordinances and recommended taking action at the next meeting. Members agreed.

NEW BUSINESS: Building Commissioner reported he has talked to half a dozen of business owners regarding issues they may have with the Village and/or the regulations; no issues were cited. Tripp asked if there were any news on the old Milbar property, which is now owned by Americon. Building Commissioner said Americon is in the process of foreclosure. Tripp asked if the Village would have to maintain this property. Solicitor said someone would probably buy this property in foreclosure. Tripp asked if all the approvals that were granted for this property would be null and void. Solicitor said there is no time limit. Tripp said he thought there was a 1-year time limit. Solicitor said Planning Commission talked about this and the conclusion was yes, it probably could be done, but the Village cannot do it retoractively. Solicitor said the next time someone comes before the Planning Commission the members could set a reasonable time limit.

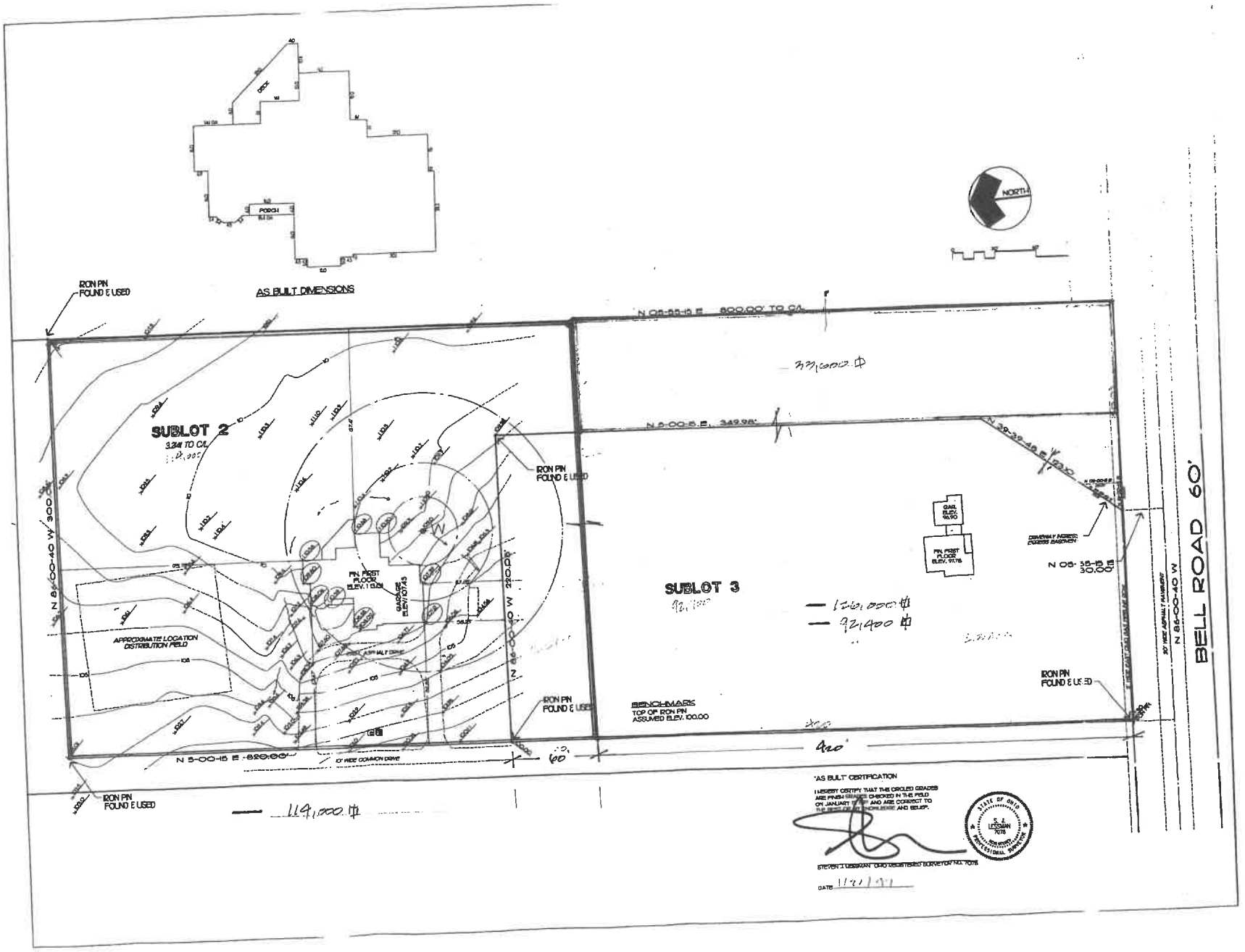
Sutliff noted that the Comprehensive Plan regarding the northeast quadrant is to be discussed at the February meeting. Solicitor said in the Comprehensive Plan Mr. Hartt made some vague suggestions to make some adjustments in the current zoning which would provide more flexibility; Planning Commission should get the adjustments in writing and recommend them to Council. Tripp said that the word flexibility scared people as they thought it would encourage development, but the idea is to control it. Brett

said the areas they could make clearer and stronger would be the 50' front yard setback on Bell Road and the 150' setback. Solicitor said it is doable to make it clearer and eliminate the flag lot concept. Solicitor said the Village has not been consistent and has run into challenges.

Sutliff announced that the next meeting is tentatively scheduled for February 15, 2007 at 7:30 p.m. All members said they would be able to attend.

ADJOURNMENT: There being no further business to come before the Planning Commission Tripp made a motion to adjourn, seconded by Brett. Roll call – ayes, all. Meeting adjourned.

Walter Sutliff Chairman Nancy J. Gallagher Clerk



"AS BUILT" CERTIFICATION

I HEREBY CERTIFY THAT THE CIRCLED GRADES ARE FINISH GRADES CHECKED IN THE FIELD ON JANUARY [illegible] AND ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STEVEN J. LESSMAN OHIO REGISTERED SURVEYOR NO. 7078

DATE 1/21/93

STATE OF OHIO S. J. LESSMAN 7078 REGISTERED PROFESSIONAL SURVEYOR

TOPOGRAPHIC SURVEY & SITE IMPROVEMENT PLAN FOR

KEITH KIMBALL RESIDENCE

KNOWN AS BEING SUBLOT NO. 2 IN J.P. & P. SNAVELY MINOR SUBDIVISION AS RECORDED IN VOLUME 20, PAGE 144 OF GEAUGA COUNTY NOW IN.....

VILLAGE OF SOUTH RUSSELL
GEAUGA COUNTY, OHIO

S. J. LESSMAN LAND SURVEYING & PLANNING

DATE:	SEPT. 1993	DRAWN BY:	KLW
CHECKED BY:	S.J.	PROJECT NO:	70-5
SCALE:	1" = 30'		

SHEET TITLE: SITE IMPROVEMENT PLAN
KEITH KIMBALL RESIDENCE

SITE PLAN

draft 1-18-07

ORDINANCE NO.: 2007

INTRODUCED BY: _____

PLANNING COMMISSION _____
PUBLIC HEARING _____
FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 2.01(114) OF THE VILLAGE OF SOUTH RUSSELL ZONING CODE TO EXCLUDE CERTAIN SINGLE-FAMILY RESIDENTIAL SEPTIC SYSTEMS FROM THE DEFINITION OF "STRUCTURE."

WHEREAS, Section 2.01(114) of the South Russell Village Zoning Code defines "structure" and such definition currently includes septic systems which may contain components which are above grade after installation; and

WHEREAS, in many circumstances it may be either difficult, impractical, or unreasonably expensive to locate such septic systems in the rear yard of single-family homes; and

WHEREAS, such above grade septic systems are increasingly necessary and practical in light of new state-wide septic system standards, the natural features and soils in the Village, and the age and condition of many existing septic systems within the Village; and

WHEREAS, the Planning Commission has recommended that such single-family residential septic systems be removed from the definition of "structure" in order to eliminate the necessity for a zoning variance for installation of such septic systems in the front yard of residential zoning districts.

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

SECTION 1. Section 2.01(114) Structure of the Zoning Code of the Village of South Russell shall be amended by adding the following sentence:

A structure shall not include a single-family residential septic system, including any such septic system which contains above-grade components.

SECTION 2. 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 5. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

F:\WP51\Wp\DMO\South Russell\Ordinance\2007\Septic.doc

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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draft 1-18-07

ORDINANCE NO.: 2007

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING CHAPTER 1024 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SOUTH RUSSELL BY PROVIDING FOR REGULATIONS GOVERNING THE INSTALLATION OF SINGLE-FAMILY RESIDENTIAL SEPTIC SYSTEMS WITHIN FRONT YARDS OF RESIDENTIAL LOTS.

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

SECTION 1. Any single-family residential septic system which contains components which appear and are intended to remain above grade after installation of such system may be located in the front yard of a residential lot only upon approval by the Building Inspector after:

(1) The applicant for the septic system has submitted a written application along with a fee of $_____ to the Building Inspector containing the following information, along with a plan for the proposed septic system prepared by a licensed or certified septic installer:

(a) Evidence of the approval for such proposed septic system by the County Board of Health.

(b) A sworn statement from a licensed septic installer and/or an appropriate County Health Department official indicating that it is not reasonably possible to locate a septic system in the rear yard or side yards of such lot due to either topography or soil reasons, undue financial burden, the location of existing or proposed improvements to the property, the natural features of the property, or any combination of such factors, or for any other serious practical difficulty which renders the front yard as the best available option.

(c) A plan for natural (vegetation) screening or such other screening, such as fencing, as may be permitted under the Zoning Code in the front yard for the zoning district where the lot is located. Such screening plan must serve, in the opinion of the Building Inspector, to reasonably minimize any adverse visual and/or auditory impact of such septic system upon adjacent properties and the surrounding neighborhood.

(2) In granting approval for such proposed septic system installation in a front yard, the Building Inspector may condition his approval on timely installation of any approved screening and upon the applicant's agreement to properly maintain, repair, and replace such screening and to agree to a deed restriction requiring such proper maintenance, repair, and replacement of such screening for such parcel.

SECTION 2. 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 5. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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SECTION 2. 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 5. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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

PHONE: (440) 338-7843
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PLANNING COMMISSION
FEBRUARY 15, 2007
7:30 p.m.

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

2. MINUTES: 1-18-2007 **approved**

3. AGENDA:

REVIEW TWO DRAFTS PREPARED BY THE SOLICITOR THAT HAVE TO DO WITH SEPTIC SYSTEMS:
1). ORDINANCE AMENDING SECTION 2.01 (114) OF THE VILLAGE OF SR ZONING CODE TO EXCLUDE CERTAIN SINGLE- FAMILY RESIDENTIAL SEPTIC SYSTEMS FROM THE DEFINITION OF "STRUCTURE"
Brett, I make a motion to approve the ordinance amending Section 2.01 (114) of the Village of South Russell zoning code to exclude certain single-family residential septic systems from the definition of "structure". Tripp second. Roll call: all ayes. APPROVED
2). ORDINANCE AMENDING CHAPTER 1024 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SR BY PROVIDING FOR REGULATIONS GOVERNING THE INSTALLATION OF SINGLE-FAMILY RESIDENTIAL SEPTIC SYSTEMS WITHIN FRONT YARDS OF RESIDENTIAL LOTS
Brett, I make a motion regarding the ordinance amending chapter 1024 of the codified ordinances to eliminate the deed restriction, create a deposit that is refundable upon completion of the landscaping & an enforcement provision to ensure that current & future property owners will maintain the landscaping. DiMichele second. Roll call: all ayes. CONDITIONAL APPROVAL

Solicitor to prepare a new ordinance for the next meeting incorporating the two approved motions.

REVISE & REVIEW THE COMPREHENSIVE PLAN:
(Pp. 12) G. DEVELOPMENT POLICIES, #1. Maintain existing zoning in the northeastern corner of the Village **Solicitor to review zoning code explanation about 50' frontage from the rite-of-way, minimum width of 130' or 150' depending on the zone at the building setback & cul-de-sacs. Solicitor recommends cleaning up the language so current & future**

interpretations are clear & everyone interprets the code the same way. He will prepare something for the next meeting.

Latter in the meeting, Tripp summarizes, "The solicitor is going to codify the 50' wide at the rite-of-way, the building setback, the minimum clearance to ensure that we have 30' from the center line on either side plus 12' easement for utilities. (The 30' from the center line on either side plus 12' easement for utilities already exists) **The next concept is that the lot has to have 500' minimum width. That way we may end up with square lots." Ondrey will think through the 500' minimum width.**

NOTE: The secretary is unclear if Tripp's comments are an addition to the first draft the Solicitor will prepare or is this a second draft altogether?

The solicitor will review the rules that apply to private roads & public roads

4. OLD BUSINESS: **NONE**

5. NEW BUSINESS: **NEXT MEETING: 3-15-2007 AT 7:30 P.M. Tripp is not available**

6. ADJOURN: **8:25p.m.**

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
FEBRUARY 15, 2007
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: none

Chairman Sutliff called the meeting to order at 7:32 P.M. The minutes from 1-18-2007 were approved as presented.

Review two drafts prepared by the solicitor that have to do with septic systems:
1). Ordinance amending Section 2.01 (114) of the Village of SR zoning code to exclude certain single-family residential septic systems from the definition of "structure"
2). Ordinance amending chapter 1024 of the codified ordinances of the Village of SR by providing for regulations governing the installation of single-family residential septic systems within front yards of residential lots

PC is comfortable with ordinance #1 that excludes septic systems from the definition of structure. Concern among PC with ordinance #2: discussion about the requirement to obtain a deed restriction, the cost to the homeowner & how to enforce that the current & future homeowner maintains the approved landscaping plan.

Sutliff, "If this ordinance were modified & you did away with the deed restriction & make it a provision that the homeowner is responsible for maintaining the landscaping, isn't that enforceable?" Ondrey, "Yes. We'd have to create something new here." PC accepts ordinance #1 amending Section 2.01 (114) & ordinance #2 is to be modified: eliminate the deed restriction, include that the landscaping is an enforceable provision with current & future property owners, make a deposit requirement that is refundable when the landscaping is completed.

Brett, I make a motion to approve the ordinance amending Section 2.01 (114) of the Village of South Russell zoning code to exclude certain single- family residential septic systems from the definition of "structure." Tripp second. Roll call: all ayes. APPROVED

Brett, I make a motion regarding the ordinance amending chapter 1024 of the codified ordinances to eliminate the deed restriction, create a deposit that is refundable upon completion of the landscaping & an enforcement provision to ensure that current & future property owners will maintain the landscaping. DiMichele second. Roll call: all ayes. Conditional approval.

Revise & review the Comprehensive Plan: (Pp.12) G. DEVELOPMENT POLICIES, #1. Maintain existing zoning in the northeastern corner of the Village

PC doesn't like flag lots or the road of these new developments going down one side of the property.

Hocevar, "Since Mr. Ondrey made that determination about the 50' frontage (last PC meeting, 1-18-07) it will eliminate a lot of headaches down there." [PC, 1-18-07, referring to property owned by Robert Belshaw, 1645 BellRd. "Solicitor said according to the zoning definition, the lot line is the boundary of the lot separating it from the street. Solicitor said the definition says that the lot line must have a minimum front line of 50'. Solicitor said the front line is defined in the Zoning Code & says, "unless the context clearly indicates the contrary, the term front line is synonymous with street right-of-way line". Solicitor's interpretation is that each lot must have 50' on Bell Road."]

Hocevar, "There are water sensitivity zones. We have two acre zoning." Ondrey, "We have also learned they are having a time with septic systems down there."

Ondrey, "What we decided last month is that this same issue has been interpreted differently over the years. We need to clean that language up & make it absolutely clear that what we're trying to do is prevent flag lots. That's one piece of legislation. It's the language, adding a sentence to make it clear so that no matter how we've interpreted it in the past, from here going forward, this is what we definitely mean."

Ondrey, "I believe the zoning code already requires a 50' minimum frontage at the right-of-way. You have to have 50' on a road." Foley, "50' would still create in some cases what you might define as a flag lot." Ondrey, "There's another piece. We have a requirement of a minimum width of 130' or 150' depending on what zone you're in at the building setback line. Our problem is that David (Hocevar) was interpreting that to mean wherever they built that building, that's where they had to have the 130'. I'm interpreting that to mean, we have a minimum setback of 50', 75' in that zone from the right-of-way & at that point you've got to have the 130' width. Since we've had a difference of opinion over the years, we need to clearly define that is what that means. That eliminates a lot of flag lots." Foley, "That's a better way to do it. You deal with that in cul-de-sacs. To do that at the right-of-way, it makes it obtainable when you are creating a cul-de-sac. You can't efficiently lay lots out around a cul-de-sac, but you deal with the setback, then the pie shaped lots work."

Ondrey, "I agree. Whatever we come up with, we have to make sure we aren't messing up our cul-de-sac issue."

Tripp, "What about existing flag lots?" Ondrey, "We couldn't do anything about that. Those are grandfathered. If we don't clean it up, we don't make our definition clear to everybody, somebody's going to say you interpreted it differently five years ago for so & so." Foley, "Why do you need to be careful with that? When you created the minimum lot coverage, that wasn't grandfathered. If you create the law & there's some issues with some lots, tough. Wouldn't it be the same?" Ondrey, "I've given this interpretation that says you've got to have the minimum width at the building setback line. That means as we define building setback line, not exactly where you build the building. We haven't consistently interpreted it that way for a long time. I'm worried that somebody will come in & say you only insisted that so & so have the minimum width where he built his house, 1,000 feet back." Foley, "That's a lot where a house is built. Ike's question is about the lots that are undeveloped."

Tripp, "My question is about lots that have already been plotted. They've already been laid out. They've already been built on. The people have been there 10+ years." Brett, "If they've been built, there's no issue. The issue would be if there's a lot that hasn't been built on. They'd have to meet the requirements. It makes sense to put it through the practical application & see how many of our existing lots might be around cul-de-sacs & wouldn't be able to fit into this criteria. I'd want that before I'd consider _(?)."

Sutliff asked Ondrey to draft something to clean this up for the next meeting. Ondrey agreed. Ondrey, "We don't want to make this new clear definition such that nobody can build a house on a cul-de-sac. We have to have a special category for cul-de-sacs, a whole different set of standards for cul-de-sacs because they are pie shaped lots." Hocevar, "I think that's why they put the 130' building line in there. All these houses that are nonconforming, as we talk now, still are at the 130' building line." Ondrey, "Maybe that 50' thing doesn't work for cul-de-sacs. I'm saying you need 50' of frontage on a roadway." Hocevar, "It doesn't work for cul-de-sacs."

Brett, "In regard to the northeast quadrant, I don't want to encourage or discourage additional development. If there are a couple of these lots that are put together to create a subdivision, so be it. I don't want to take the rights away from property owners to do something with their property. My objective would not be to encourage any more development there. This objective is not really tied to changing density. The density that is there makes sense. We have 3 acre requirements due to water in the back & 2 acre in the front."

Sutliff, "One of the items David (Hart) suggested was to permit flexible zoning in the north east quadrant, not necessarily messing with the density. Maybe consider cluster housing. I didn't have a problem with that." Tripp, "If you review the minutes when the public was here, there was a firestorm when the discussion came

up. People did not want to hear about that. Look at the map of South Russell. Where don't we have development? Muggleton Farm (972 Bell Rd.) & that quadrant out there. Across the street (Plzak's, 1600 Bell Rd) that property has been put into a conservation easement with the Western Reserve Land Conservancy. It can't be developed. The other area, if somebody comes along with deep pockets, that whole issue of consolidation is going to occur. The 50', 130', 150' back is going to disappear. You're going to have a Kensington Green. The biggest problem with developing that area is the water table issue. It's partial upland wetland. It's lousy percolation." DiMichele, "I don't have a problem if another Kensington Green goes in. What we didn't want to see was everybody handles it differently."

Dishong, "Flexibility is inherent. If somebody said we bought X many lots. We're going to do another Manor Brook. I think there's inherent flexibility to say we might consider that. I don't think we should try to guess what kind of flexibility we need to have. The best we can do is create a level playing field to protect property rights, but doesn't give people the incentive to do these one & twosy things."

Brett, "The problem is that when the word flexibility launched, everyone took it in totally different directions & thought this means we're trying to get it developed. I don't think that was anyone's intention. It might be one of the ways we can manage & control & stop the idea of these one-sided roads with the houses coming off them if we were to give up something on the flexibility side. I'd rather stay out of the detail & say what do we want? What don't we want? I like that idea if it's a feasible option."

Ondrey, "I think you'd have to create a very broad concept of a property owner is permitted to, rather then follow the conventional zoning here. Then they still have to get the PC approval. It's far less onerous then having to go through a variance procedure."

Brett, "If a property owner has a certain amount of acreage, 20 for example & only a certain width to their property, certain conditions could apply. For example, do cluster homes. All these proposals we've reviewed in the last few years have not been received well by the Village." Sutliff, "That's because they are taking the zoning code literally. They have no choice." Ondrey, "I'm familiar with other communities & they have created alternatives for cluster development. Usually they are on large large parcels of property; minimum 10 acres." Sutliff, "Eventually, you're probably going to get some bowling alley lots that are going to be consolidated."

Brett, "The one thing that I'm stumped by is that we couldn't come up with something in our zoning that would keep a road off of the very edge of a property." Ondrey, "I'm not sure we couldn't create a minimum. There must be X amount of distance between a right-of-way & a boundary line."

Foley, "Usually a drive like that, it's the economics." Brett, "The proposal 2 years ago, (Ploziak property on Bell Rd.) their road went down the property line. There was no buffer. If we had some control & say that roadway can't go within X feet, it might change the plan." Foley, "Sometimes on narrow lots, they do a serpentine road. The lots end up being more square then rectangular. It boils down to cost relative to the lots. There's an economic factor whether the guy can market the lot."

Hocevar, "On the Ploziak property, the only thing that stopped them was the water table, the septic. If you're talking about 50', they can comply with that. The mayor's right. You've still got houses on one side. If they had the water, they could have put houses in there. Maybe we ought to have something that you've got to have houses staggered. We'd really have to reconfigure our zoning because they could never do it on that lot." Tripp, "We have side yard setbacks on housing. We can have a setback on a road. You've got to have X amount of feet from the center of the right-of-way to the boundary of the property. Make it 30'. I don't think you'll be able to have a road down the side." Hocevar, "They had over 30' on that side." Foley, "And another 12' for utility easement. So, the minimum was 42'." Hocevar, "They had it."

Hocevar, "You're going to see Mr. Snavely (1617 Bell Rd.) come in here before mid year with his proposal. He's got 20-30 acres. You're going to see the other fellow (Robert Belshaw, 1645 Bell Rd.) come back with his. You are going to see two developments that you aren't going to like."

Foley, "If you take 200' depth on your lots & 60' road, you say you can't develop any property that has less then 500' width. The property has to be 500' wide to develop. That would promote lots on both sides of a normal roadway. It would be a little square." Hocevar, "That would probably restrict everybody on the eastern end of the Village from building anything." Brett, "You couldn't do a major subdivision, but you could still put in a home." Hocevar, "Exactly."

Tripp summarizes: "The solicitor is going to codify the 50' wide at the right-of-way, the building setback, the minimum clearance to ensure that we have 30' from the center line on either side plus a 12' easement for utilities." (the 30' from the center line plus a 12' easement is already in the zoning code) Tripp continues, "The next concept is that the lot has to have 500' minimum width. We may end up with square lots. Look at Paw Paw, Silver Springs, Maple Hill: lots consolidated, no bowling alley lots, houses on either side of the street, cul-de-sac on the end of the street." Ondrey will think through the 500' minimum width.

Foley, "If someone wants to put a private street…" Ondrey, "My impression was that it is no longer possible in South Russell. Every road is to be a public road & meet our improvement standards." Hocevar, "Major subdivision. Minor, I don't think so." Ondrey will review private road/public road.

No old business. New Business: next meeting: 3-15-07 at 7:30 p.m. Ike is not available.

There was no further business. The meeting adjourned at 8:25 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

ORDINANCE NO.: 2007

INTRODUCED BY: _____

PLANNING COMMISSION _____
PUBLIC HEARING _____
FIRST READING _____
SECOND READING _____
THIRD READING _____

1st motion

ORDINANCE AMENDING SECTION 2.01(114) OF THE VILLAGE OF SOUTH RUSSELL ZONING CODE TO EXCLUDE CERTAIN SINGLE-FAMILY RESIDENTIAL SEPTIC SYSTEMS FROM THE DEFINITION OF "STRUCTURE."

WHEREAS, Section 2.01(114) of the South Russell Village Zoning Code defines "structure" and such definition currently includes septic systems which may contain components which are above grade after installation; and

WHEREAS, in many circumstances it may be either difficult, impractical, or unreasonably expensive to locate such septic systems in the rear yard of single-family homes; and

WHEREAS, such above grade septic systems are increasingly necessary and practical in light of new state-wide septic system standards, the natural features and soils in the Village, and the age and condition of many existing septic systems within the Village; and

WHEREAS, the Planning Commission has recommended that such single-family residential septic systems be removed from the definition of "structure" in order to eliminate the necessity for a zoning variance for installation of such septic systems in the front yard of residential zoning districts.

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

SECTION 1. Section 2.01(114) Structure of the Zoning Code of the Village of South Russell shall be amended by adding the following sentence:

A structure shall not include a single-family residential septic system, including any such septic system which contains above-grade components.

SECTION 2. 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 5. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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ORDINANCE NO.: 2007

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING CHAPTER 1024 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SOUTH RUSSELL BY PROVIDING FOR REGULATIONS GOVERNING THE INSTALLATION OF SINGLE-FAMILY RESIDENTIAL SEPTIC SYSTEMS WITHIN FRONT YARDS OF RESIDENTIAL LOTS.

2nd. motion

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

SECTION 1. Any single-family residential septic system which contains components which appear and are intended to remain above grade after installation of such system may be located in the front yard of a residential lot only upon approval by the Building Inspector after:

(1) The applicant for the septic system has submitted a written application along with a fee of $_____ to the Building Inspector containing the following information, along with a plan for the proposed septic system prepared by a licensed or certified septic installer:

(a) Evidence of the approval for such proposed septic system by the County Board of Health.

(b) A sworn statement from a licensed septic installer and/or an appropriate County Health Department official indicating that it is not reasonably possible to locate a septic system in the rear yard or side yards of such lot due to either topography or soil reasons, undue financial burden, the location of existing or proposed improvements to the property, the natural features of the property, or any combination of such factors, or for any other serious practical difficulty which renders the front yard as the best available option.

(c) A plan for natural (vegetation) screening or such other screening, such as fencing, as may be permitted under the Zoning Code in the front yard for the zoning district where the lot is located. Such screening plan must serve, in the opinion of the Building Inspector, to reasonably minimize any adverse visual and/or auditory impact of such septic system upon adjacent properties and the surrounding neighborhood.

(2) In granting approval for such proposed septic system installation in a front yard, the Building Inspector may condition his approval on timely installation of any approved screening and upon the applicant's agreement to properly maintain, repair, and replace such screening and to agree to a deed restriction requiring such proper maintenance, repair, and replacement of such screening for such parcel.

SECTION 2. 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 5. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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March 8, 2007

To: PC
From: Maggie Tomaro

Greetings!

The next PC meeting is set for Thursday, March 15, 2007 at 7:30 p.m. At this time there is one item on the agenda: continue to review the Comprehensive Plan. Please bring your CP books.
Enclosed is a copy of the minutes from 2-15-2007.
Please call me if you are unable to attend the meeting: (440)338-1807. Ike is not able to attend the meeting.

Thanks.

Maggie

Maggie

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

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

PLANNING COMMISSION
MARCH 15, 2007
7:30 P.M.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, John Dishong**

   OTHER OFFICIALS: **David Hocevar, Building Inspector, David Ondrey, Solicitor**
   ABSENT: **Ned Foley, engineer, Ike Tripp**

2. MINUTES: 2-15-07 **approved as presented**

3. AGENDA:

   REVIEW A NEW DRAFT OF AN ORDINANCE THAT THE SOLICITOR PREPARED REGARDING SEPTIC SYSTEMS
   Ordinance amending chapter 1024 of the codified ordinances of the Village of SR by providing for regulations governing the installation of single family residential septic systems within front yards of residential lots. This was the ordinance that was discussed on 2-15-07.
   Ondrey amended it, sent it onto Council. It has been introduced to Council. The public hearing is set for the Council meeting on 4-23-2007.

   ORDINANCE AMENDING SECTION 2.01 (67) & (68) OF THE ZONING CODE CONCERNING THE DEFINITIONS OF "LOT LINE" & "LOT WIDTH," RESPECTIVELY
   Lot line: Ondrey, "This clarifies what the minimum distance is for a lot at the street. That's where this 50' minimum requirement has been. I added the phrase, (Section 1) **and said front line must abut a public right-of-way."**
   PC agrees with the modification.

   Lot width: A lot of discussion: Hocevar, "If we keep that 50' abutting a road & still keep that 130', 150'; we use the 130' at the building line & it works out great. Dave (Ondrey) wants to change this where we've got 130' at the 75' setback. 130' at the building line & not the setback line works ideally in the Village. They only need 50' up front. When they hit the 75', they have to hit the 130'."
   -Ondrey, "It's an attempt to more precisely define the 50' requirement at the street line & to make it clear we will measure the minimum lot width at the minimum building setback line regardless of where they actually build the

house. Even if it's built 1000' back on the lot, they still have to have 130' at that minimum setback line." Hocevar, "The 130' at the building line gave a buffer on both sides of that house. Now if we've got 130' at the 75' mark, that house could come down in reverse tide. We could have 25', 25' on each side of the house. That's the bare minimum to buffer a neighbor's property. Whereas if we had 130', you could put a 60' long home & still have something to play with as a buffer. That's a down side."
-Brett, "They don't have to build there." Hocevar, "But they can." Ondrey, "But they always could." Hocevar, "No they couldn't. They had to build at the 130' line. They had to have 130' in front of their house to build. Now with the changes, you get that 130' at the 75'. If that thing narrows down to an 80' lot, you can build at 80'. You don't need that 130'."
-Hocevar, "130' has always worked well in this Village as a building line. If there is a way to keep the 130' & keep it at the road, fine."
-Hocevar to Ondrey, "Minimum lot width, the definition says at the building line." Ondrey, "I agree. Where we have the difference is that I'm saying the building line means the minimum building line, the 75', not where they build it." Hocevar, "We haven't been interpreting that like that in the history of the Village. And it's always worked out great, to our advantage." Ondrey, "That's why we are trying to clarify this because if we hadn't interpreted it that way, I think we should have been."
-Brett, "Could we keep both?" Hocevar, "That's what I'm asking. If we could, that would be great." Hocevar asks Ondrey if he intends to keep both. Ondrey, "No. I'm saying the only place where it's 130' is at the minimum setback line."
-Hocevar, "we've got that 50' from the road now. That's a big plus. So if we do something with the 130' at the building line & keep our 130' at the setback line, that's fantastic."
-more discussion
- Conclusion: Ondrey is directed to propose additional language to the ordinance which would require a minimum width identical to the minimum width at the building setback line & at the actual building line.

-Cul-de-sacs: Ondrey, "The dilemma is that we are creating a situation where we require cul-de-sacs. But we have zoning that they couldn't meet. So we will have to give them variances & that's not a good position to put ourselves in. I'd like to get Ned's (engineer) suggestions as to how on cul-de-sacs we can create a unique set of standards."
Ondrey will talk to Ned Foley, engineer about the cul-de-sac issue.

-Road down one side & houses off to one side of the street:
-Brett, "This ordinance addresses one of the issues for the NE quadrant. What it doesn't address is a lot might have 20 acres with the road down one edge & the homes off to the side." Ondrey, "I wonder if we could amend our street standards to say no street would be approved without lots on both sides." Hocevar said Foley told him that a community recently enacted an ordinance to that effect. He thought it might be Mentor.
-PC has to keep in mind health, safety & welfare. Is there a justification for saying lots must be on both sides of the street? What is the necessity? Hocevar, "On major subdivisions, I think you covered that with the 500' under subdivisions regulations."
-Ondrey, "Maybe you could argue that we need a bigger buffer between a proposed public street & the boundary line because there are neighbors who are entitled to peace & quiet. What is protecting them from traffic right off their property line other then a 12' utility easement & the natural right-of-way? We wouldn't let a house be built that close. There would be a minimum setback. Here's a roadway that is creating dust, noise & potential safety issues." DiMichele, "Snow plowing & runoff from it would go into the neighbor's yard."
-Ondrey, "Maybe that's the justification. We're not looking to force homes on both sides of the street. We want to make sure that there's at least a minimum distance between the new street & the boundary line. Rather then having a minimum width before they are allowed to do a major subdivision, no public street can be built within X amount of feet of a boundary line. Right now a developer could put in a street where the edge of pavement is no more then 10'-12' off the boundary line. What we want to do is increase that."
-Hocevar, "There is a down side. Take Monique Plociak's situation. We're increasing the buffer on the east side. They could still put the subdivision in. They are going to decrease the buffer on the west side even though they needed a 50' setback on the rear side yard. Say there was a street going parallel. Now you've got those 10 houses abutting up closer to the street. We are reducing the rear yard somewhere in that situation." Ondrey, "We can't go any less then our minimum rear yard, which is 50.'
Ondrey to review the street standards to determine if they can be modified: so that a street does not hug the boundary line, houses are not built only on one side of the street & look at Hocevar's concern about the builder lessening the rear yard setback from 50'.

CONTINUE TO REVIEW & REVISE THE COMPREHENSIVE PLAN
This is what PC did tonight. They will continue at next meeting. Flag lots may still be a concern unless these new changes have addressed them.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **NEXT MEETING: APRIL 19, 2007 AT 7:30 P.M.**

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

ORDINANCE NO.: 2007-

INTRODUCED BY: _____

PLANNING COMMISSION_____
PUBLIC HEARING_____
FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 2.01(67) AND (68) OF THE ZONING CODE CONCERNING THE DEFINITIONS OF "LOT LINE" AND "LOT WIDTH," RESPECTIVELY.

WHEREAS, the Planning Commission desires to discourage the establishment of "flag lots" within the Village of South Russell; and

WHEREAS, amending certain definitions within the South Russell Zoning Code shall serve to clarify that flag lots are not to be encouraged nor permitted within the Village.

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

SECTION 1. Section 2.01(67) Lot Line shall be amended to read as follows:

The boundary of a lot separating it from a street, easement or another lot. The minimum front lot line of any lot shall be fifty (50) feet and said front lot line must abut a public right-of-way.

SECTION 2. Current Section 2.01(67) Lot Line, the full text of which follows, is hereby repealed:

The boundary of a lot separating it from a street, easement or another lot. The minimum front lot line of any lot shall be fifty (50) feet.

SECTION 3. Section 2.01(68) Lot Width shall be amended to read as follows:

The horizontal distance of a lot measured along the minimum required building set-back line (also referred to as building line), at a right angle to the mean lot depth line, regardless of where the building on such lot is to be ultimately located on the lot. This provision is intended to confirm that the required minimum horizontal width for a lot as established under Sections 4.02, 5.02 and 6.02 of this Zoning Code is measured at the minimum required building set-back line, thereby discouraging flag lots.

SECTION 4. Current Section 2.01(68) Lot Width, the full text of which follows, is hereby repealed:

The horizontal distance of a lot measured along the building set-back line (also referred to as Building Line), at a right angle to the mean lot depth line.

SECTION 5. 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 6. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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Public-records law means more changes

By SUE REID

Auburn Trustee Patrick J. Cavanagh said Monday that he will seek input from the Geauga County Prosecutor's Office regarding compliance with Ohio House Bill 9, which is a revision to the public-records law.

According to the bill, Mr. Cavanagh said, a records commission must be created in townships. That commission would consist of the chairman of the board of trustees and the township's fiscal officer, he said. "This is a new, unfunded mandate that we have to do."

Mr. Cavanagh said he gathered information on the bill during the recent Ohio Township Association conference that he attended in Columbus.

"By the end of June, we need to form a records committee and within a year, develop a policy of how long we'll retain records," he said.

> *"By the end of June, we need to form a records committee and within a year, develop a policy of how long we'll retain records."*
>
> Patrick J. Cavanagh
> Auburn trustee

Mr. Cavanagh said the committee would consist of himself, as chairman of the trustees, and Susan Plavcan, fiscal officer.

He said the new law also sought to develop a form in which e-mails and voice mails could be kept. An example would be if the county prosecutor's office would call the chairman of the township board, he said. "That would need recorded in some form," he said.

"Right now, we're not in any hot topics. Our neighbors are, and their concerns are significant, and ours could be too at some point."

The new bill is "quite involved," Mr. Cavanagh said.

"Since all the townships are involved within the entire state, we'll ask the prosecutor to come up with a procedure to go through that we could do on a countywide basis," he said. "We need to generate our paperwork and figure out what to do with our records."

Currently, he said, the township tries to maintain all its records for eternity.

"I know that a records retention is something that's been around forever," Mrs. Plavcan said. "We're pretty good at doing that." In the upstairs of the township administration building, boxes of records are kept and are categorized by years," she said.

"I don't believe it's going to be too much different from what we're already doing," Mrs. Plavcan said of the new law. "We are aware we have to maintain records."

"Zoning has extensive records going back to the 1960s." Mr. Cavanagh said, if older records are going to be disposed of, they need to be archived by the historical society.

On Campus

Two students from Solon residents were named to the dean's list for fall semester at Mount Union College in Alliance: **Laurel A. Gibson**, a junior; and **Zachary T. Tabor**, a freshman.

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Septic-system bill stinks, senator says

By JOAN DEMIRJIAN

New state rules regarding home septic systems are causing confusion for homeowners, health departments and installers, state Sen. Timothy J. Grendell, R-Chester, said.

He is attempting to place a moratorium on the laws which went into effect Jan. 1. He said this week he expects to introduce a bill in the Senate that would suspend the new regulations for at least a year.

"I'm going to try to change the septic-system law," Mr. Grendell said of the new state regulations. "We're hearing of systems failing inspections, but people are not told what they need to do to meet the standards," he said.

"People are unable to sell their homes and they're stuck in a Catch-22. Nobody knows how to comply with the new rules."

Mr. Grendell opposed the original bill because of an ongoing concern about the cost of the rules to homeowners compared to their environmental utility, he said. The rules will "pack a financial wallop without providing comparable improvements to our ground water or the public health," he said.

"I have been advised by the Geauga County health commissioner that compliance with these new rules will cost in excess of $25,000, perhaps as much as $32,000." That is a big financial impact for people, he said.



"I have been advised by the Geauga County health commissioner that compliance with these new rules will cost in excess of $25,000, perhaps as much as $32,000."

State Sen. Timothy J. Grendell
R-Chester

And installers don't want to put septic systems in until they know the rules, he said. People are stuck in bureaucracy, Mr. Grendell said.

"It was the No. 1 issue at the Ohio Township Association conference last week," he said. "No one wants pollution, but there is no evidence of wholesale problems with septic systems in Ohio."

In Geauga County, where point-of-sale inspections are mandatory, the new rules are a big issue, he said.

Every house that is sold forces compliance with the new rules, even though the systems might not be failing, Mr. Grendell said. "It accelerates the impact of these new rules. It's hitting Geauga County a lot harder."

Prior to Jan. 1, the Geauga County Health District had discretion, considering soil types and other conditions, he said. "Now, the health district is an agent of the Ohio Department of Health, and the health commissioner bears liability if it doesn't carry out the rules."

Geauga County has been doing a good job in preventing pollution, so the new rules don't benefit the county, Mr. Grendell said.

Geauga County Health Commissioner Robert K. Weisdack said Monday, that something has to be done. The state needs to educate the health departments, he said. "It's utter confusion. And it's total confusion for the average homeowner," he said.

"It's not the way you want to administer a program. Things have changed drastically, and there are now things we can't consider as options," Mr. Weisdack said. "Before, we used to help people with what could and couldn't be put in, but now it is so confusing to the normal homeowner."

They aren't sanitary engineers, yet the homeowner is fully responsible for the design, installation, operations and monitoring of the disposal systems, Mr. Weisdack said.

He said he knows of only two permits issued for septic systems in the county since the new rules went into effect.

"There was a mad rush by installers to get permits before Jan. 1 under the old code," he said. If they obtained a permit before Jan. 1, they have until Dec. 31, 2009, to install them.

With specific systems and mechanical devices, maintenance contracts will be required, which the maintenance provider can increase at any time to the owner, perhaps up to several hundred dollars a year, Mr. Weisdack said. "It's a scary situation."

Geauga County has had clean streams because of its policies so far, but now the state is lumping the county with the rest of the state and areas that have problems "at a lot of cost to the taxpayer," Mr. Weisdack said.

"It's disturbing to me. Where does it stop? The government keeps sticking its hands in the taxpayers' pockets."

ORDINANCE NO.: 2007

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING CHAPTER 1024 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF SOUTH RUSSELL BY PROVIDING FOR REGULATIONS GOVERNING THE INSTALLATION OF SINGLE-FAMILY RESIDENTIAL SEPTIC SYSTEMS WITHIN FRONT YARDS OF RESIDENTIAL LOTS.

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

SECTION 1. Any single-family residential septic system which contains components which appear and are intended to remain above grade after installation of such system may be located in the front yard of a residential lot only upon approval by the Building Inspector after:

(1) The applicant for the septic system has submitted a written application along with a fee of $_____ to the Building Inspector containing the following information, along with a plan for the proposed septic system prepared by a licensed or certified septic installer:

(a) Evidence of the approval for such proposed septic system by the County Board of Health.

(b) A sworn statement from a licensed septic installer and/or an appropriate County Health Department official indicating that it is not reasonably possible to locate a septic system in the rear yard or side yards of such lot due to either topography or soil reasons, undue financial burden, the location of existing or proposed improvements to the property, the natural features of the property, or any combination of such factors, or for any other serious practical difficulty which renders the front yard as the best available option.

(c) A plan for natural (vegetation) screening or such other screening, such as fencing, as may be permitted under the Zoning Code in the front yard for the zoning district where the lot is located. Such screening plan must serve, in the opinion of the Building Inspector, to reasonably minimize any adverse visual and/or auditory impact of such septic system upon adjacent properties and the surrounding neighborhood.

(2) In granting approval for such proposed septic system installation in a front yard, the Building Inspector may condition his approval on timely installation of any approved screening and upon the applicant's agreement to properly maintain, repair, and replace such screening and to agree to a deed restriction requiring such proper maintenance, repair, and replacement of such screening for such parcel.

SECTION 2. 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 5. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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ORDINANCE NO.: 2007

INTRODUCED BY: _____

PLANNING COMMISSION _____
PUBLIC HEARING _____
FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 2.01(114) OF THE VILLAGE OF SOUTH RUSSELL ZONING CODE TO EXCLUDE CERTAIN SINGLE-FAMILY RESIDENTIAL SEPTIC SYSTEMS FROM THE DEFINITION OF "STRUCTURE."

WHEREAS, Section 2.01(114) of the South Russell Village Zoning Code defines "structure" and such definition currently includes septic systems which may contain components which are above grade after installation; and

WHEREAS, in many circumstances it may be either difficult, impractical, or unreasonably expensive to locate such septic systems in the rear yard of single-family homes; and

WHEREAS, such above grade septic systems are increasingly necessary and practical in light of new state-wide septic system standards, the natural features and soils in the Village, and the age and condition of many existing septic systems within the Village; and

WHEREAS, the Planning Commission has recommended that such single-family residential septic systems be removed from the definition of "structure" in order to eliminate the necessity for a zoning variance for installation of such septic systems in the front yard of residential zoning districts.

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

SECTION 1. Section 2.01(114) Structure of the Zoning Code of the Village of South Russell shall be amended by adding the following sentence:

A structure shall not include a single-family residential septic system, including any such septic system which contains above-grade components.

SECTION 2. 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 5. This Ordinance shall be effective at the earliest time allowed by law.

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Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

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

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

PLANNING COMMISSION
APRIL 19, 2007
7:30 P.M.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, John Dishong**
   OTHER OFFICIALS: **David Hocevar, Building Inspector, David Ondrey, Solicitor**
   ABSENT: **Ned Foley, Engineer, Ike Tripp**
   GUESTS: Kyle Drefuss-Wells, Chagrin River Watershed Partners, Inc. (CRWP)

2. MINUTES: SUMMARY OF WORK SESSION 3-15-07 **approved as presented**

3. AGENDA:

(1). Continue to review the Comprehensive Plan. Kyle Drefuss-Wells from the Chagrin River Watershed Partners, Inc. is a guest. She will address concerns in the NE quadrant of the Village.
Handouts: power point presentation; five pages & Introduction to Transfer of Development Rights; three pages

Brett explained that on Saturday, 4-14-07, the Chagrin Valley mayors & trustees met. Kyle addressed the group. Topics: flooding & recommendations, resources that CRWP provides its members, odd lots, unusual configurations & recommendations & alternate plans that have occurred in Hunting Valley, Pepper Pike & Orange. They've done creative things to meet the needs of property owners, developers & the community. Brett invited Kyle to discuss options for the NE quadrant of the Village that has the bowling alley lots.

Bret commented that the eastern edge of the Village is on septic systems. Two communities are considering sewers. Some residents have pushed the Village to become more involved & initiate that they go to sewers. He's not sure if the Village will become involved.

Pp. 1, #1 power point handout, Northeast Quadrant Parcels: 147 acres, 15 parcels. Kyle, "Potentially, if you wanted to develop those, it's a very good area to have development happen." Ondrey, "We have an overlay zone that says they would need three acres to develop it unless they can show they have sufficient water resources." Kyle, "For water wells, ok. There's evidence here that there's low potential for ground water availability. If development occurs, if you do bring sewers to this area, still bring in the sewers while maintaining the low density development."

WORK SESSION

Focus on: (1.) Transfer of Development Rights (Pp. 1-4 of handout), (2). Conservation Development (Pp. 4 & 5 of handout)

Transfer of Development Rights

You have a market based tool to direct development from sensitive areas to areas that are better suited for development. The basic concept behind TDR is that you have areas in your community that are sensitive. They may have big wetlands, historic resources or they may be good for agriculture. You as a community want to minimize development in that area without having to buy it & without infringing on a property right. Then there are areas in the community that have infrastructure. They are flat, dry & are perfect for development. Under a TDR contract, you send the development rights from a hard to develop parcel into an easy to develop parcel. It gives you the ability to preserve land & to get some pockets of density without changing the overall density in the Village.

TDR is an innovative approach. There is a distinct change in what the community looks like & still has significant development. Under a TDR concept, take homes & transfer them into a more concrete area. You're able to maintain the rural look of the community & group homes into one area. (Pp. 2, #9) There's going to be a certain amount of homes built in the Village by the time you hit build out. Where those go is the discussion to have. How you arrange those on the landscape to get the look of the Village at build out is the discussion. TDR is one option.

What are development rights? (Pp. 2 #10). You can sell off a development right & shift that development right to somewhere else. In a residential area, one development credit could equal one unit of development. You could take that unit of development anywhere. You can modify the development right that folks transfer to facilitate the kind of development that you want. This is in use all over the country: Maryland, New Jersey, PA.

How TDR works: (Pp. 2 #11). Sending parcels are those that have either natural, historic or agricultural resources. Munson Township has wetlands on Rte. 322. (Pp. 3 #12). It is a 90- acre parcel that Munson Township preserved through state funding. The development rights from this parcel disappeared when that parcel was bought. It would have been helpful if these development rights could have shifted somewhere else & facilitated innovative development.

Brett, "That's similar to what just occurred with the Muggleton acquisition." Kyle, "Right. Muggleton is the same thing, working with Western Reserve Land Conservancy to put that deal in action. You had to bring in Village, state & federal dollars to buy that development potential. The private market could have also bought that development potential & shifted it somewhere else."

(Pp. 3 #13) The concept with the receiving parcels is that you get a marginal increase in density, which allows an innovative product in the Village as opposed to one

home on three acres. More interesting development without increasing the overall density of the Village. Density stays in place. You are not undercutting zoning."

TDR in Ohio (Pp. 3 #14) & Orange Village (Pp. 3 #15 & #16). In Ohio, South Russell as a village can do this now. In Orange, they did an in trust community transfer; one parcel in Orange to another parcel in Orange. Orange had a bowling alley lot stuck between two subdivisions. South Russell's northeast quadrant could develop just like this. In Orange, 14 housing units were transferred from one parcel to another in the village. This was done by two ordinances, the village allowing the additional density into a platted development. The sending parcel is the parcel that sends its development potential somewhere else. (Pp. 3 #16). The developer wanted 24 units & was willing to sue to get those units. They settled on 14 units through this process. The residents were opposed because once you get that kind of density next to open space, it grows like a crop. They just pop up. This development potential was sent to an 85 acre parcel (Pp.4 #17) that was already zoned for 142 unit development. Increase 142 to 156, no big deal.

TDR is applicable to South Russell's bowling alley lots. South Russell doesn't have much area. South Russell would go out of the Village to accomplish this. They wouldn't send. They'd receive. Those would be parcels that would receive development potential to make developing those parcels more interesting. You can also designate them as sending areas.

Whether you do TDR or not, before you'd set up an ordinance to allow development to shift from one parcel to the next, you want to have 3 things in place: Riparian Setbacks, Conservation Development & current storm water management (Pp. 4 #18). Brett, "Storm water management, we're ok. Riparian setbacks, we haven't. We felt it wasn't a pressing issue for the Village. I don't know enough to say if we have or have not Conservation Development." Kyle, "We left Riparian setbacks with you & Ned who thought you had the controls that you needed to do Riparian. A riparian setback helps you get the best location for the development on a parcel. Without a riparian setback, traditional design (Pp. 4 #21) would have put the stream into a pipe & send water faster down the stream causing ongoing flooding problems. So, riparian setbacks are done through zoning."

Conservation Development (Pp. 4 & 5)

Conservation Development (CD) is another way to group homes on parcels. If the Village were to adopt a Conservation Development district, folks in that corridor with the bowling alley lots could be encouraged to consolidate parcels & have innovative developments.

Kyle refers to Hunting Valley Conservation Development design: 50 acre parcel, build out at 2-acre zoning. Hunting Valley doesn't have 2-acre zoning. You get the cul-de-sac road, individual homes on septic systems. Under a Conservation Development concept, you can group the homes together. The market wants this product. They want smaller homes with conserved property. These lots, particularly in Geauga County, are

hard to sell. They are expensive. You end up with a big house.

The CD product can have condos. You can do a turn key operation. The only problem is that unless you allow folks to get additional density, you still have the units having to have the same price. The land cost in the Chagrin Valley is what drives the price of a home.

The interface between CD & TDR is if you allow some density from one parcel in the Village to be transferred into a CD, you could get more density & have conservation some where else & allow the home prices not to be as overwhelmingly expensive. That's the problem with Hunting Valley. The CD units are coming in at close to $2,000,000 per unit.

SR northeast quadrant parcels (Pp. 5 #23-26): The idea is if you wanted these parcels developed under current zoning, what is going to happen is that people will put individual subdivisions on these parcels or may be able to consolidate one or two parcels. If you adopt CD & set minimum parcel size at, for example, 30 acres, it would encourage consolidation to be able to do the CD. That is one option.

The other option, (Pp. 5 #24) you could allow this area to be a receiving area for development density transfer from somewhere else. It would provide landowners additional units & provide the Village with a new development product. For example, (Pp. 5 #25) Plzak property, (1600 Bell Rd) is across from the bowling alley lots. Plzak has a conservation easement on it. The Smith's (1572 Bell Rd.) parcels are not conserved & not yet developed. Smith's own 27 acres. The Pole's (1560 Bell Rd.) & Spieth's have 22 acres. There are 50 acres there. There's a potential conservation value here. A TDR program could be set up to allow these landowners to sell their land development potential there. This could be a potential sending area. That could be a receiving area. You'd get parcels conserved, shift some density & make development of those parcels more appealing.

Brett clarifies: "The Smith's would sell their development rights to a group across the street. If they did that, their property couldn't have a development on it." Kyle, "Exactly. They would sell the development right & they'd have to put a conservation easement on that according to your ordinance. You want to be able to control the development. If you could get those groups together, have a road come in & have a group development back here, that would be a great product in the Village. You could facilitate that by making that development appealing because I can get a few more units back here if I can buy them from here, shift them over here & the options open up for me. If my only option is try to work with one landowner & put in a subdivision, I can do that anywhere in Geauga County. I would go where it's easiest."

There are also parcels that could send development potential to you in Russell (pp. 5 #26). Often these TDR relationships happen between a township & a Village. West Woods is the head waters of Silver Creek, a cold water stream. This Gallo property

property, 70 acres & RSR property, 84.6 acres are both on the Western Reserve Land Conservancy Anchor Strategy & have conservation value. The development potential from that could also be sent to the Village. There's a potential for sewer & innovative development product. You're not increasing the number of the units. You are shifting them around.

Brett, "Using Russell & South Russell as an example, if South Russell designated the northeast quadrant as a receiving area, then what we are doing is increasing the density in South Russell. Kyle, "Yes you are." Brett, "It almost feels like that would be contradictory to your mission & the land conservancy." Kyle, "Unless you do something, these parcels are going to look like this. It's all impervious because you have the road come in. You have individual homes & then once lawns are put in, it's significant impact that happens in terms of storm water. If you could develop 30 acres with a cluster of dense development with good storm water management, nice storm water management practices & you had enough folks living back here that can maintain those storm water management practices & then get all of this undeveloped & in conservation, that's a net gain for Silver Creek. The concern with our current approach for low density development is that it's so few units. It's hard to get the innovation. The money isn't there."

Brett, "The CD design is compelling. Mayor Wheeler from Hunting Valley was impressed by the plan that was submitted. To Kyle's last point, it's inevitable that something can occur here. It's either the long thin lot & there's a road down one side vs. making that a potential for the landowners to put something together that creates a more aesthetically pleasing & functional design. It looks sort of like White Tail, which is a huge success."

Sutliff, "I agree with Kyle's earlier comment. I don't think there's a great market for single family homes on two-acre lots." Kyle, "The guy in Auburn can't sell them." Sutliff, "People on this board & in this community are hung up on 2-acre zoning." Kyle, "You're hung up on 2-acre zoning because if you allow anything different, your whole zoning is subject to challenge. If you back away from one unit per two acres, then your justification for that low density development is undercut. As a Village, you're in a better position then Bainbridge because they are a township. In Hunting Valley, they saw by offering the safety valve of the CD option, a developer would be hard pressed to say I can't get the economic value out of my parcel at the two acres. You have to let me go to one acre."

Note: use the word, "group" & not "cluster". It's like saying Riparian buffer instead of Riparian setback.

DiMichele, "Right now the bowling alley lots can't be economically developed at the 2 acres. Isn't that good? Why is that a bad thing?" Dishong, "It's only a bad thing until it's economically feasible & then we get what we don't want. We're starting to see

it. It's not a bad thing until it starts happening the wrong way. Then it's too late to challenge it." DiMichele, "What's to stop us from encouraging people to be the sender?" Kyle, "Sure you could encourage them to be the sender." Sutliff, "Where would you send it to in the Village?" Kyle, "Setting up TDR exchange for the Village would take a study. It is a good receiving area because there aren't a lot of issues here from a natural resource perspective. Going under a CD scenario requires at least three people to play together. Set the minimum at 30 acres. You force some consolidation." Dishong & Sutliff agree the CD is more what they are interested in then TDR.

Sutliff, "In the northeast quadrant, if there were some way we could encourage consolidation, look at cluster housing." Kyle, "Someone could take the lead on consolidating these because you have a CD design district, which is an overlay that folks would apply to be in after they present you with a development plan. They say I'm going to bring these parcels together & transfer the development from this section back to this section. I can make this more economically feasible if I can get additional density there. You can say buy the development potential from this guy. Essentially, CD is a TDR within one unit & you could spread your CD out. You don't have to set up a formal TDR."

Kyle, "I think what Charlie Marotta of Hunting Valley would tell you is, if he could bring the price of his units down to $1,000,000 by having 9 units instead of having 6 & he could have bought that development potential from somebody else in Hunting Valley, he'd have a nicer development product."

Kyle, "This is a gamble. You're basically acknowledging these will be built. How will you control it? Anything that is zoned for development will be developed. CD is what Hunting Valley is doing. Gates Mills is considering it. I only get the yield based on a yield plan. Not now. I would do a year plan which shows what I would get under traditional development. That goes to the residents concerns."

Brett, "If we create a CD, can we set parameters regarding setbacks?" Kyle, "Yep." Brett, "For Maple Hill a concern; they wouldn't want to see open space housing behind their homes. If we were to do something, we make that setback large so that's not an issue." Kyle, "I think Hunting Valley is 200' from the lot line for their setback."

Hocevar, "If you draw a line across Fa…? with Bell Road, midway through these lots, that's the water sensitivity zone. The whole rear, the northern section of those lots is in the water sensitivity going from 3, 4, 5 acres of land. If you have cluster housing, how are you going to: one, get around the water & two, the soil is not conducive to septic systems? You almost need two acres of land. How will you do grouping in that section?" Kyle, "Those issues of water & septic are going to be the same for traditional development as they would be for CD. Conservation gives you options to deal with that. Under the cluster development, Hunting Valley requires an Ohio EPA approved on site clustered waste water system. Charlie Marotta is putting in a clustered drip irrigation. It does not require great soil. It just spreads it out. Instead of individual septics, he has a septic field & then a replacement field. It's designed by Chip Hess. Drip irrigation; all it

does is spread the stuff out onto the soil. It doesn't require the soil to do any of the treatment. It's a better septic system because it's a clustered system. With the water, we have to figure out how to cluster those where you have the well water."

Kyle, "The other nice thing about CD is that you are approving a development plan. It's not just a subdivision with a road punched in. You'd approve the whole thing: the road, location of buildings, septic fields, storm water management, conservation easement."

Brett, "If we were to make the NE quadrant a CD, the housing units wouldn't have to go in the way back. They could be in the middle." Kyle, "Right. They'd have to show the water availability for every single unit in the beginning, through the development plan." Hocevar, "It goes half way through." Sutliff, "What would happen if you had something like the original White Tail?" Hocevar, "White Tail has an abundance of water." Sutliff, "You could have a central water plant." Hocevar, "It's possible. We've got some lots there on 2½ acres that can't take a septic system."

Brett, "It may stay septic. The mind set of some of the residents in the east has changed. They've changed because a new septic system is forecast around $25,000. They were around $7,000-$10,000. A Maple Hill house that's for sale could be hit with $25,000. It could be 10% of the cost of the home." Kyle, "If you want to put sewers in, I recommend you don't do the sewers before you have CD in place."

Hocevar said a man may come to the next PC meeting to discuss developing a bowling alley lot. According to the man, he has the Health Department & water all finalized.

Brett, "We talked about a mission statement for the NE quadrant. We're not trying to promote development & we're not trying to limit it. We're trying to give the Village a tool that if it is going to be developed, we have a control mechanism in place that is pleasing to the Village, landowner & surrounding residents."

Moratorium on development? Ondrey, "Other communities have successfully defended a moratorium. Whether we have the scale & economics to justify a moratorium is a tricky question. It has been done, using brief periods of time. Courts said a community has the right to get on top of some of these issues. Is a moratorium a possibility? Yes."

Kyle, "You want to set up a CD so it's more appealing then traditional development. As a starting point, we have a model. Hunting Valley adapted it. You might have different things then Hunting Valley. We can run scenarios for you on what a development might look like. We can help you figure out where you would set that minimum number: 20 acres? 25? 30? If you were to pass the code, it couldn't be just applied here. Anyone could apply to be in that district." Ondrey, "Did you say Hunting Valley or other communities are imposing a minimum acreage requirement for any major subdivision?" Kyle, "No just to apply to be in the CD district. In Hunting Valley, you have to have 30 acres. It encourages consolidation. You're not going to get an effective CD if it's just half of a 10 acre parcel."

Dishong, "I think it would be interesting to see that next level of detail." Kyle, "We could take the code & get the model to you. Then we could start talking about it."

Sutliff asks DiMichele if she's in favor of keeping things the way they are. DiMichele, "Now there are some natural obstacles to accomplish these things. So far those obstacles have kept everything from happening. We would be encouraging development there. I didn't hear anybody at the meetings say they wanted to encourage development there." Sutliff, "I don't think anybody at those meetings realized what could be done with those bowling alley lots." Dishong, "I wouldn't say we are encouraging development. Development is going to happen. We're trying to facilitate a development that's more aesthetically pleasing & more in keeping with the character of the Village."

Brett, "How long did it take Hunting Valley from launch of the concept to them adopting it?" Kyle, "Less then a year, but it took a lot of time. Dedicated conservationists were opposed to it because Hunting Valley is 55% conserved open space. Over ½ the parcel has to go into a conservation easement. Some people have come around."

DiMichele, "What if we did nothing until the first bowling alley lot proposal was going to go through? Can we then declare a moratorium?" Ondrey, "Once somebody has made application, invested in some engineering, time & study, the courts are less sympathetic to the community who is saying lets put on the brakes & change the rules. It seems to me the longer you wait the riskier, more difficult to get a judge to say a moratorium is ok. Basis of a moratorium: more time is needed to adequately understand the consequence to the community of continued development at the current allowable limits."

Brett, "I would like to keep this process going. Kyle will forward what was done in Hunting Valley to us. PC will review it." Kyle said in another presentation she can show PC CD that has occurred. Kyle, "All CD is not created equal. Bainbridge has had it for a really long time. Pretty much any new subdivision that goes in Bainbridge goes as CD. Kirtland just adopted it. Gates Mills is considering it. It's only the Gates Mills & Hunting Valley ordinances that I would put the official CRWP stamp of approval on."

Kyle, "To do a mocked up subdivision cost a couple thousand dollars. OX-Bow Engineering did the case study in Hunting Valley & the Village paid Ox-Bow to do that case study. We completed the other case studies. Let me see if there is a funding stream." Brett & Dishong asked Kyle to show PC a 30-acre traditional development vs. a CD.

NEXT MEETING: Before the meeting, Kyle will e-mail the Hunting Valley model to Brett. He will e-mail it to PC. At the next meeting, the PC will discuss it. Kyle will do a presentation showing CD throughout the Chagrin Valley: Bainbridge, Hunting Valley. Kyle, "Getting an actual scenario done is a little harder. I can't guarantee that." NOTE: next meeting is Tuesday, May 15, 2007 at 7:30 p.m.

AGENDA CONTINUED:

(2.) Review & discuss the ordinance David Ondrey is preparing amending section 2.01 (67) & (68) of the zoning code concerning the definitions of "Lot Line" & "Lot Width". Note: changes to lot line were accepted by PC on 3-15-07.
- David Ondrey & Ned Foley: explain to PC how the new ordinance affects cul-de-sacs

Ondrey, "The only difference between this version & the one you got at the last meeting (3-15-2007) was I added a requirement to Section three: **The minimum lot width must also be met at the actual building line.** Everything else stayed the same." **Brett made a motion to approve the ordinance as modified. DiMichele second. Roll call. All ayes. APPROVED.** The ordinance will go to Council.

(3). David Ondrey was going to review the street standards to determine if they can be modified: so that a street does not hug the boundary line, houses are not built only on one side of the street

Ondrey, "After the last meeting, I discussed with Ned (Foley) whether he was familiar with an ordinance from Mentor that talked about having to have lots on both side of the street. He said that's not the case. He wasn't familiar with a situation like that. I think one potential solution would be to impose a requirement that the right of way be no closer to the boundary line then what the minimum side yards would be in that district. David (Hocevar) pointed out that that just forces them to have smaller back yards on the other side of the street. So we haven't worked through that."

Ondrey, "Ned still thought making a minimum distance across the front for any subdivision – 500' was a suggested number – was a way to deal with it. We're talking about making a minimum acreage that you must have before you can do a major subdivision, which we currently don't have. We didn't come up with a solution. We have to demonstrate some rationale basis as to why you need the requirement. Minimum width is more defendable then minimum acreage."

Brett, "I like the ideas of having minimum number of acres required or the width of the lot. These could be challenged. Even though there's a risk, it gets us closer to our goal, which is not to have a subdivision like that." Ondrey, "If you want to throw something in quick, pass a motion tonight that we can take to Council, another ordinance: minimum frontage on a public right-of-way of 500' before a property could be subdivided." Brett prefers to come back to this.

For the next meeting: Ondrey & Foley will prepare a recommendation. Hocevar to make his recommendations at the next meeting. Hocevar, "That 500' on the main road is not a cure all. You still have a development that could go in there with

500' at the road & we still have the same crap. Your 50' on this main road is a good thing. It's going to eliminate the first step in a disaster."

4. OLD BUSINESS: **Brett, "The previous motion that PC sent to Council dealing with septic systems has gone to Council. It's gone through two readings. The Public Hearing for that is May 14, 2007.**

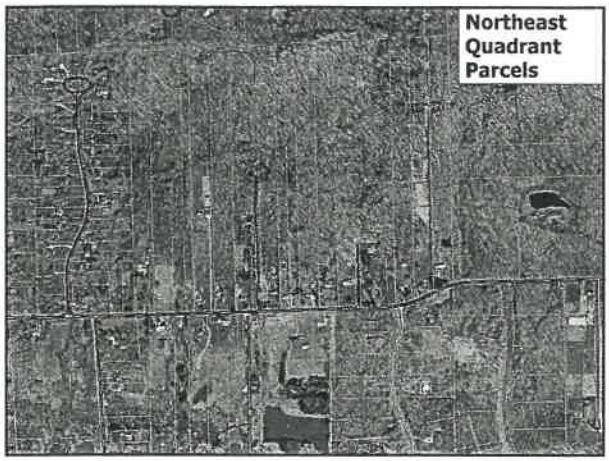
5. NEW BUSINESS: **NEXT MEETING: Tuesday, MAY 15, 2007 AT 7:30 P.M.**

6. ADJOURN: **9:15p.m.**

Walter Sutliff, Chairman

Maggie Tomaro, secretary

given to PC 4-19-09. from Kyle Drefuss-Wills of the Chagrin River Watershed Partners, Inc.



(1)

Northeast Quadrant Parcels

- 147 acres, across 15 parcels.
- 3.6 acres smallest, 22.4 acres largest, average ca. 10 acres.
- 12 property owners.
- Zoned at 1 unit per 2 acres.
- Served by septic systems.
- Under Village 208 Plan, designated served by on-site systems..
- Natural resources include a few headwater streams and potentially scattered wetlands.

(2)

Best Local Land Use Practices to Manage Development

- **Comprehensive planning**
- **Open space acquisition**
- **Riparian & wetland setbacks**
- **Erosion & sediment control**
- **Storm water management**
- **Conservation development option**
- **Transfer of Development Rights option**

(3)

CRWP Planning Tools Available to Member Communities

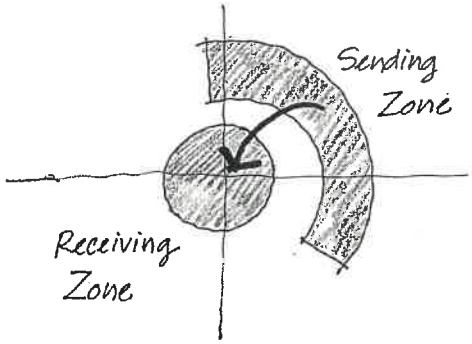
- CRWP GIS database.
- Impervious Cover Study Data.
- Balanced Growth Priority Development Areas and Priority Conservation Areas.
- Model regulations and implementation assistance.
- Exploration of Transfer of Development Rights as a market based option to implement development and conservation priorities.

(4)

Transfer of Development Rights

A technique for guiding growth away from sensitive resources and toward development centers through the transfer of development rights from one area to another

(5)



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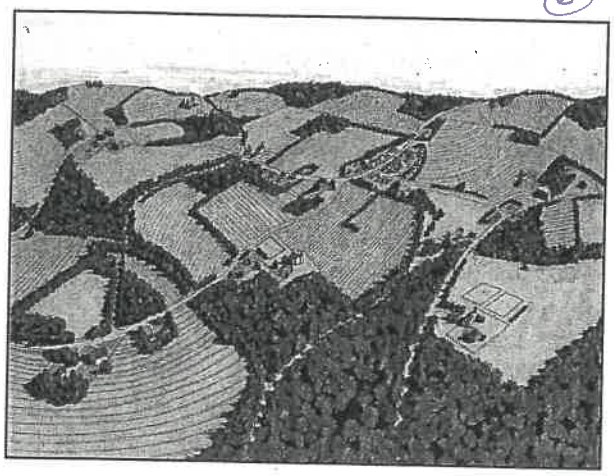

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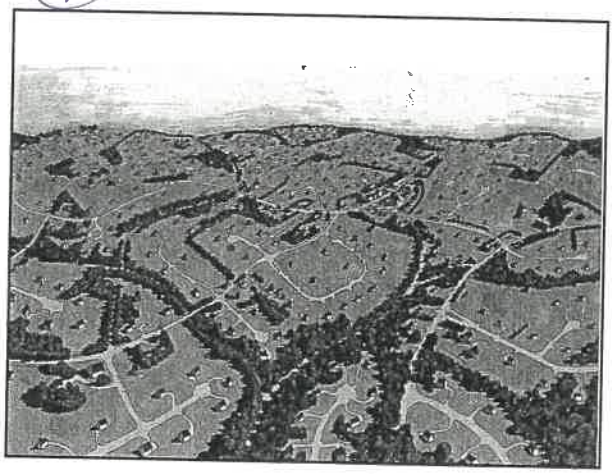

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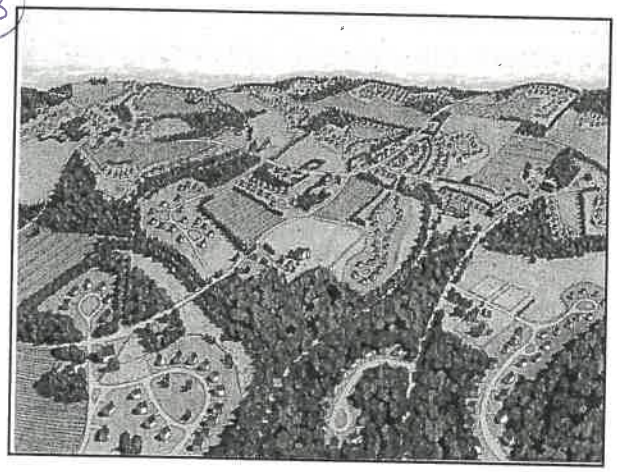

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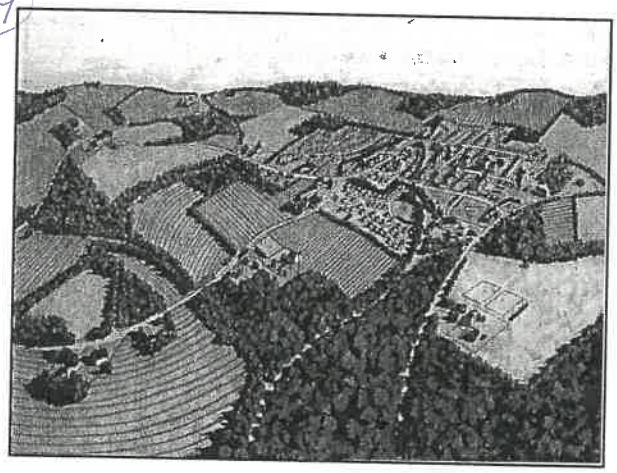


10 TDR

What are "Development Rights"?

- The right to develop a piece of property as determined by zoning.
- Severable from other rights of property ownership.
- In residential areas, one development credit = one unit of development permitted.
- This can be modified, through a Comprehensive Plan, to fit community goals, development patterns, and development pressures between sending and receiving parcels.

11

How does TDR work?

- Community's **comprehensive plan** identifies sending and receiving zones.
- **Zoning determines number of credits** for sending and receiving properties.
- Sending landowner **sells development credits** to receiving landowner or to a *TDR bank.*
- Sending landowner places conservation easement on property.
- Receiving landowner **receives zoning permit for project with additional credits** applied.

12

Sending Parcels Can be Those with Natural, Historic, or Agricultural Resources Community Wishes to Maintain



13

Receiving parcels can be areas where marginal increase in density is allowed, without overall increase in number of units built in a community.



14

Transfer of Development Rights in Ohio

- State legislation necessary to enable **counties and townships** to establish TDR programs. **Villages and cities** can do today.
- House Bill 69 provides local enabling authority.
- **HB 69 Status**
  - Introduced by Representative Wolpert Feb 2007.
  - House Local and Municipal Government and Urban Revitalization Committee.
  - Next hearing April 19, 2007.
  - County Commissioners Association of Ohio, and others, provided supporting testimony.
- Chagrin watershed support includes Geauga County, Bainbridge, Newbury, and Orange Village.

15

Orange Village 2006 Intra-Community TDR

- Transferred 14 housing units from one parcel to another in the Village.
- Option presented by developer of these parcels.
- "Sending Area" parcel transferred to the Village.
- Completed through adoption of two ordinances:
  - Allowing additional density on a previously approved development.
  - Authorizing the Mayor to accept the parcel for Village ownership.

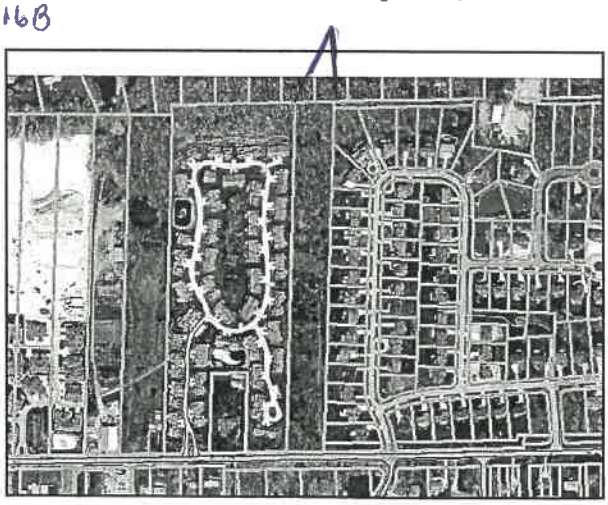
16

Orange Village Sending Parcel

- 6.7 acre parcel.
- Dispute about underlying zoning density.
- Narrow (180 foot wide) parcel.
- Developer initially wanted 24 units.
- Settled on 14 units.
- Surrounded by Stonebrooke Condominiums and Orange Hill Estates.
- Residents opposed to proposed development.

bowling alley lot between 2 developments

16B



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Orange Village Receiving Parcel

- 85 acre parcel with an 142 unit cluster development plan.
- Village accepted additional 14 units to increase to 156 units.
- 30 acres of natural area to be preserved on west side of property.

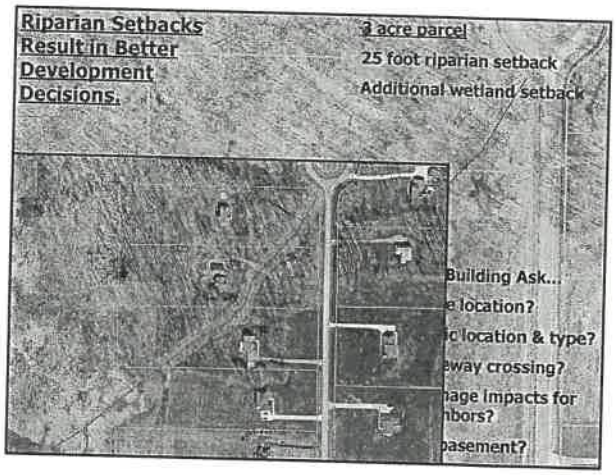


18

Regardless of TDR, Need Other Land Use Practices in Place, Including....

Riparian Setbacks
Conservation Development
Stormwater Management

19



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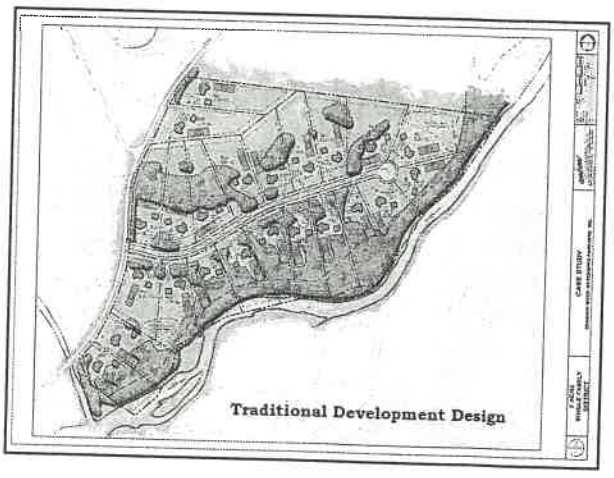
Conservation Development

- **Subdivision layouts that allow homes to be arranged for minimal impacts.** The number of homes is the same as would be allowed under traditional development.
  - ➢Conservation Development
  - ➢Open Space Housing
  - ➢Cluster Development
- **Benefits of this approach to site design**
  - ➢Reduce infrastructure costs.
  - ➢Maintain open space, historic uses, and community character.
  - ➢Increase property values.

21



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23

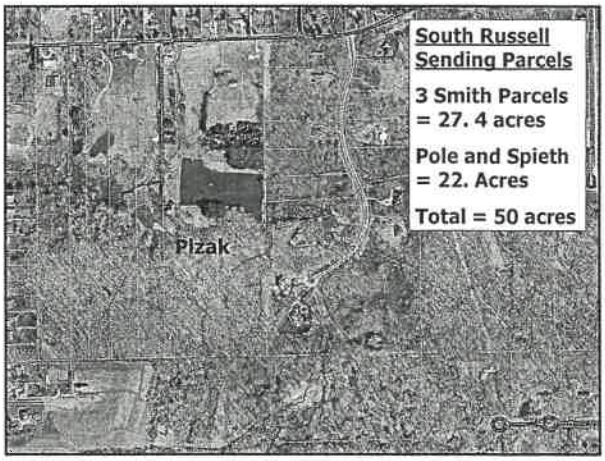


24

The Northeast Quadrant Parcels

- 147.15 acres, across 15 parcels, and 12 property owners, with 2 acre zoning on septics.
- **Development options**
  - **Designated TDR receiving area:** Provides landowners with potential for additional units. Provides Village with new development product, maintenance of overall density, and funding mechanism for further land preservation.
  - **Conservation Development:** Set minimum parcel size for a Conservation Development District to facilitate consolidation of parcels in this area.

25



26

Russell Sending Parcels

Gallo = 70 acres

RSR Russell LLC = 3 parcels, totaling 84.6 acres

South Branch of Silver Creek

Adjacent to West Woods

WRLC Anchor Strategy.



Wels 6

from Kyle Derfus
4-19-07
PC.

May 12, 2007

To: PC
From: Maggie Tomaro

Greetings!

Enclosed is a copy of the minutes from 4-15-07.

The next meeting is set for TUESDAY, MAY 15, 2007 at 7:30 p.m. We will continue to discuss Conservation Development. Be sure to bring the info. Matt Brett e-mailed to you. I don't know if Kyle Drefuss-Wells is coming to this meeting.

Ned Foley is not available for the meeting. If anyone else is not able to come, please call me at 440-338-1807.

Thanks.

Maggie Tomaro

Maggie Tomaro

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
MAY 15, 2007
7:30 P.M.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Ike Tripp Janice DiMichele,**
   OTHER OFFICIALS: **David Hocevar, Building Inspector, Jaredd Flynn, Solicitor**
   ABSENT: **Ned Foley, Engineer, John Dishong**
   GUESTS: **Kyle Drefuss-Wells, Chagrin River Watershed Partners, Inc. (CRWP)**

2. MINUTES: SUMMARY OF WORK SESSION: 4-19-2007 **Amended & Approved**

3. AGENDA:

   DISCUSS CONSERVATION DEVELOPMENT WITH KYLE DREFUSS-WELLS OF THE CHAGRIN RIVER WATERSHED PARTNERS, INC.

Kyle summarizes the last meeting on 4-19-2007: We talked about a way to facilitate consolidation on those parcels (NE quadrant) so you don't end up with strip bowling alley subdivisions. Conservation Development is an option. It depends on how we set minimum parcel size and incentives.

Conservation Development (CD) power point:

Pp.1 #1, Subdivision layouts that arrange the homes for minimal impacts: At this point the way the code is, there is no density bonus for going with this kind of grouped development. Assumption, CD is a bonus to the land owner. Benefits listed Pp.1 #1.

Pp.1 #2 Components of a Local Code that are in the Hunting Valley code is a certain percentage of open space. Because South Russell is talking about small parcels, these are some of the numbers that we need to discuss.

Conservation easements on open space; essential component of CD. Deed restrictions don't mean anything. Once you have impervious cover limit, your can let the developer do whatever he wants. You have set open space, impervious cover and set backs. You arrange that development as the market would bare. Density of dwelling units determined by approved yield plan is also very important. Yield plan is what I would get if I developed it traditionally. If I could get seven lots traditionally, I would get seven lots conservation. I would move them around. Some CD codes just go on math. I've got one hundred acres, three increment minimum lot size. I get X amount of units. That doesn't

work when you've got ground water issues, drinking water issues, wetlands, slopes. We advocate that you come in with a preliminary yield plan for a traditional subdivision and that determines the number of units. It also will make it an easier sell to your residents who will initially see CD as a way for developers to do cheap easy development.

DiMichele, "The back areas that have three acre minimum because of the water and then two and one, you would use the total of what is available on that lot and where the houses would be built." Kyle, "If I were a developer and I was going to do a traditional subdivision based on water availability, zoning and other site conditions, I would get this many lots." The Village agrees and says now arrange those as you want based on CD. Some people argue it increases the cost of development to have the developer do a yield plan. Our argument is, if you just do math it is a density bonus. You may want to do a density bonus, but you have to go in eyes wide open."

Pp.1 #3, Picture of traditional subdivision in Russell. Russell development, 5 acre lots. CD is trying to provide alternatives to this. Zoning requires to get the maximum benefit out of this property, the developers need to develop from tip to tip. The marketing conditions drive this. Our focus: to provide alternatives that allows the land owner to take into account the conditions of the site.

Case study: Pp.1 #4A, #4B, Pp.2 #4C, #4D, #4Ee, #4F

Pp.1 #4B shows existing conditions: parcel, land, river, trees, road, meadow. Pp.2 #4C Traditional Development Design: two acre. Pp.2 #4D Conservation Development Design, Pp. 2 #4E summary: significant decreases in the amount of disturbed area in the CD Design & a significant increase in the amount of protected open space in the CD Design. Under tradition development, there are no requirements for open protected space.

Pp. 2 #4F, Costs: the costs are much lower for C D. They do shift from the developer to the builder in many ways. This is appealing to the developer who is also the builder.

Pp. 2 #5A, #5B, Pp. 3 #5C, #5D, #5E, #5F, #5G, Conservation Development Districts: Bainbridge has a Conservation Development Code. It's been in place since 1993. It's not as strong as the CD Code that South Russell is considering.

Pp.2 #5B, Stone Ridge, Bainbridge: behind Eagle Creek Nursery, Jerry Peterson's development, condominiums, 180 acres, 103 acres are under conservation easement with Western Reserve Land Conservancy, nice site, condos very expensive units.

Pp.3 #5C, Sanctuary, Bainbridge: may have applicability to South Russell. When you drive by, there is wetlands. You probably think it's a park. 37 acres, protected open space is the front thirteen acres; 11 lots in the back. Potentially some of these bowling alley lots in South Russell can be combined to make 37 acres. This is a very traditional subdivision between 2.2 and 4.3 acres on a cul-de-sac road. There has been some alterations to the stream; most likely because the front has a big wetlands. The alternatives to this, there would be homes along the road. Tripp, "They could only build there if they had gotten permits from the Corps of Engineers and replaced two for one

acres." Kyle, "The wetland complex clearly drove them to do this but they did not get credit for the lots that they would have been able to put on there. It was a great alternative for them. They were able to develop this parcel with no issues. They obviously put a road through the wetlands so they had to get some permits to do that or maybe this was category three and this was a lower quality area over there. CD is the way to develop sites that have some constraints that otherwise may have litigation for the Village."
Sutliff, "What was the normal zoning on that 37 acres?" Kyle, "Probably five acres."

Pp.3 #5D, Amber Trails, Bainbridge: 98 acres with 41 acres protected including an agricultural easement. This is not as aggressive as what we would propose for South Russell Village. The streams and wetlands are in the protected open space.

Pp.3 #5F, #5G, Brighton Park, Bainbridge: This is being developed and built by the same group. Kyle pointed to the Riparian Setbacks that Bainbridge has under its zoning code. Interesting, the developer, right up front, took a count of Riparian areas. Under a typical development scenario, those streams wouldn't show up so brightly on a map; wouldn't be taken into account. You wouldn't arrange the driveways. He's got the crossings here, and put the development back there. He's got pockets for storm water management. This is a pretty good solution to a very difficult site. The conserved area is here and then around the perimeter. This is one of the problems with Bainbridge's code. It does allow fragmented protected open space, which is something you would want to minimize.

Pp.3 #6A, Pp.4 #6B, #6C, #6D, and #6E South Russell North East Quadrant: 147 acres, 15 parcels, ranging from 3.6 acres to 22.4 acres, 12 property owners, drinking water constraints.

Pp.4 #6C, Conservation Development in South Russell: This is under the Hunting Valley Code. We looked at what we would recommend. I would advise to bump up that minimum parcel size that you would set to apply to be in the CD Districts. The idea being that you want to generate some form of quality open space. So you don't want to have for example, a 7 acre parcel apply to be in the CD District. If you were to set it at 15 to 20 acres, you would necessitate that folks combine parcels to do this. The 10 acres would not do that. Linking the open space so that you have conservation corridors there; link to some of the areas down to the south of those. They have a minimum of 40 % protected space and keep storm water and waste water structures out of there.

Pp.4 #6D, Conservation Development in South Russell: This shows how the parcels break down. If you were to set it at 10 acres, there are 12 parcels that can do this. If you set the minimum to be in the CD District at 10 acres; these are the minimum parcel sizes or they might be two parcels owned by the same person that totals 10 acres. You've got 5 parcels at 15 acres and 3 at 20 acres. Those folks who own the 10 and 15 acres could combine with each other and that's the one thing we didn't look at yet. Pp.4 #6E shows those parcels highlighted.

Question: Is Kensington a CD? Kyle, "We generally consider it to be a conservation development. The only concern there is that open space is highly managed.

Now they are doing that meadow management. It is a highly managed open space. The more that you manage open space the less functionality that open space has in terms of soaking in water. We could look at Kensington in terms of how close it is to what you want."

Brett, "In Hunting Valley, how did they determine the 30 acres?" Kyle, "There was a lot of discussion. We did a more detailed analysis then this. We looked at 20, 30, and 40 acres. 40 acres gave very few options to do this. 20 acres could not produce quality protected open space. They settled on 30 acres."

Sutliff, "What's your feeling as far as some day that area will be developed? We want to propose an incentive. What's your opinion on compromising on density?" Kyle, "I would like to look into that more. I would like to talk to Dr. Eckstien, your ground water expert, and see what he thinks of this and potentially talk to some marketers of this in the region to find out what that density is. If we don't have to give a density bonus, I'd like to not do that. I'd like to study that more. My point is, once we set the minimum open space at 40 %, impervious cover limit overall is 10%, which means the whole 20 acres or whatever you set it at can't be more then 10% impervious. If they build one or two more units in there, it's not that big of a deal. We have to be careful that you set the minimal parcel size high enough that you don't just get a series of clustered groupings here. That's a concern. One or two unit bonus is not a big deal as long as you structure that."

Brett asks Hocevar to invite Dr. Eckstien to a Planning Commission meeting: to get his thoughts on water supply to the northeast quadrant, ask him if that area would support group homes. Another thing to consider is public water source vs. individual wells.

Tripp refers to page 8 of the Comprehensive Plan. Four issues emerged.

1. **Determining whether flexibility in site layouts in the northeast quadrant of the Village without increasing the density should be considered.**

Tripp, "Does everyone need to be reminded of the fire storm that occurred when that suggestion was raised at the public meetings on 6-15-2005 and August 31, 2005? Because that's what we are doing." Sutliff, "Since that time, we have had developments proposed here that have the street in and the houses off on one side. I don't think anybody at those public meetings even thought that was possible. Is that what we want the east end of the Village to look like? To me, we have to come to grips with the fact that those are going to be developed some day." Kyle, "We had the same exact reaction in Hunting Valley. Folks are very leery of this generally. They see it as a way to do quick, cheap development and it will bring down the property values."

Sutliff, "I'm not necessarily saying we compromise the density, although I think there may be a good reason to compromise that. We are not suggesting right now to compromise the density. We are saying let's allow some flexibility out there. If we can combine some properties instead of one acre lots, it makes it a much more attractive area to develop." **Tripp, There's another dynamic that could potentially occur, that deals**

with this house, red barn, and the area right past it (306 and Bell Road). It is not just the northeast quadrant where we would have an issue. Think about other places in the area and that's one that immediately comes to mind. We all hope that the red barn would be saved. There are a lot of people into historic preservation who would have a conniption if it were torn down. The reality, it could happen. It isn't just looking at flexibility or conservation of one particular area in the Village." Sutliff, "I think David Hartt was very clear on that." Tripp, "My concern is if we raise the issue and there was a fire storm. It wasn't just people who lived out there that were upset. It was directly mentioned at the meeting. Somebody's going to go out there and start handing out money to consolidate these parcels and they are going to do it. It's going to happen. Their concern was if we allow flexibility they would get quick, cheap cluster homes. If you don't study history, you're doomed to repeat."

Brett, "I agree with your point. It was an issue when we did that entire process. At that point and time, the idea that was raised was one of flexibility. I don't think the flex part was out before everybody started to say we don't want flexibility. There was no discussion about what that meant. We couldn't get to that. To Wally's point, what has occurred since then is that the Village has had several different proposals that have not been compelling. The Planning Commission has struggled with these. These plans with out a hurdle or two, they could have gone in. I don't think they were things the Planning Commission wanted to be developed. I don't think they were things the residents out there would want to see."

Brett, "If we were to do this, certainly we would need to provide information to the residents and see what their thoughts and concerns would be. If we do this, it's a zoning change so it would go to Council. Council would have three readings and we would have to have a public meeting. I think we'd want to have an informational meeting. Change is fearful. I think it's the job and the responsibility of this Planning Commission to look at things. The things we discussed 3 or 4 meetings ago were mission statement ideas. We are not trying to promote development. We're not trying to prohibit development. We're not trying to affect the density. We are trying to put the Village in the position that we've got options and we've got ways to end up with a better product if it is inevitable that it's developed. I don't know if this is the end all & be all. Your point (to Tripp) is well taken. This is not going to be received by everyone with three cheers. Some will say we don't want flexibility. We don't want you promoting development."

Sutliff, "I think this concept of how these bowling alley lots were going to be developed was never even discussed at the public meetings. If we had taken the 2 or 3 proposals that we have seen here in the last 6 months and included this presentation at the public meetings, I think the results would have been much different than just a blanket statement: no flexibility, no change." Kyle, "You could set it very cautiously. Make it 20 acre minimum, 25 acre minimum so even the 20 acre parcels would have to buy 5 acres from somebody. I think residents understand that there is a choice between regular development and Conservation Development- not no development. At any time I have

the right to develop and always have the right to develop my property traditionally. CD is providing alternatives. The other choice is what gamble do you want to make? Do you want to make the gamble that these will never develop? Flat land close to Cuyahoga County usually develops. If they want to make that gamble, they need to go eyes wide open. We are not going to put in CD. We are just going to assume these won't develop."

DiMichele, "If we make the acreage to large, then there is no incentive. People will just go ahead with bowling alley lot developments." Sutliff, "That's right." Kyle, "Right. You have to set it at some point that makes it worth the trouble to buy a little bit from someone else."

Brett, "The last couple of months residents in the eastern part of the Village have become more active in regards to going to sewers instead of staying with septic's. Last nights Council meeting, two hours was spent on the topic. Lake Louise development has gone through a process of getting organized. They took a vote but have not presented it to the Village. Maple Hill has taken a vote, presented it to the Village and have asked the Village to proceed with sewers. Over the summer, the village is going to have some informational meetings and look to have a vote for some residents in the eastern section to potentially go to sewers."

Brett, "A comment by a Maple Hill resident was, we want to go to sewers. There was a proposal that was presented to Council one or two years ago. One of the issues was they couldn't put in what they wanted because of a septic issue on a couple of proposed lots. The Maple Hill residents said, we want the Village to know that while we are in favor of sewers, we don't want a lot of building to the east of our development. They don't want it for additional building."

Tripp, "It's like Bainbridge. When they extended the water lines to Knowles Industrial Park, they put it out to Heinens (306 and East Washington). Ground water supply would have been compromised with the gas stations on the corners. A CITGO station was located where the green awning plaza is. There was a station where Park View Federal is. They brought the water line out to there. In the end they reduced it from 14" to 6". The spud on the end will be difficult to increase it and keep it going and have more development. That development with Fat Tacos is serviced by city water. They could tear up the 6" spud and keep going down East Washington Street."

Kyle, "The idea of sewers will control your development is going away particularly with House Bill 231 opening up a lot of different options for on-sight septics. Somebody can say I can't comply with your traditional zoning. You need to let me get more units in there. CD gives you another option to develop that parcel. You can do it without putting in sewers. That's what Charlie Marotta is doing. (HV Conservation Development) It's another option to keep things unsewered. There is going to be a lot of septic technology available that is going to cut the legs out of minimum lot size to have a septic."

Brett, "The thought is that a sewer line would come up to Snyder Road and not past there. I'm not necessarily for sewers not to go a little bit further than that point. My

take on it is there's not a whole lot of value gained because you're only talking about a few existing lots. In your stuff Kyle, you've got 10 or 12 homes past Snyder. Add 18 in Ashleigh. Out of 350 homes that have septics, that's not a huge percentage for running the lines up (garbled)".

Tripp, "With the new technology it's very expensive. They can't afford to spend 10-15% of the value of the house on a septic system. Plus we don't have good soil for these drip septics. They need to be that cement box system. Small package systems, which is what South Russell used to have down by the high tension wires years ago, have gone the way of dinosaurs because they won't let you maintain them. You have to go with a big central unit."

DiMichele, "I think CD is going to scare the heck out of people because they are going to think we're promoting development. It came through loud and clear that they didn't want to do that. We have to have this available as an option only when we're up against a wall. So far we have been able to dodge the bullets with the water issues back there. Maybe there won't be an issue because of the water problem."

Hocevar said he heard there is a proposal coming before Planning Commission; one road and houses off to one side. Brett, "If we were to do a CD District, somebody could come in with that exact same plan if that's what they wanted to do and they could still do it. We're not completely alleviating the situation. If the property owners don't want to tie things together that could pose some challenges. My take is that Planning Commission can take two approaches: nothing has gotten developed out there and hope it doesn't happen or let's see what we can do to put something together. We don't want to promote development. We don't want to prohibit it. I like this idea of CD. If we take no action, what we'll see is a little sliver parcel developed and then another one and another one. I don't think that's beneficial to the residents. It detracts from the property values."

Tripp, "You would want to work more on acreage vs. parcel number." Kyle, "Yes. You want to set a minimum acreage." Tripp, "We want Dr. Eckstein to talk about: wetlands, ground water recharge, water availability. Then we have an informational meeting for the residents." Kyle, "**Your point that there are other places in the Village**; we did a preliminary analysis. We did not look for the potential of combinations depending if you set it at 15 or 20. **I would like to look at these subdivisions that were proposed and include them in the presentation. And to make very clear what the proposal is: 40% open space? 20 acres to apply to be in the district? 10% impervious cover limit? Minimum parcel size? Make it very clear that everyone who wants to do one of these has to apply to be in the district with a developmental plan that you would approve."**

Kyle, "40% is the minimum recommended open space that the Country Side Program set. The Country Side Program is an organization that has been working on conservation development in the region for quite some time. We would follow that recommendation. Hunting Valley went with 55%. They started with 80%; 10% impervious cover limit. We could look at subdivisions that have been built in South Russell and see what the overall impervious cover is to set the target. What's the norm?

The parcel size; we want to see what you would take the minimum parcel down to in those areas and whether you would allow for condo development, which would allow deep clustering of those units with no increase of (garbled)."

Jaredd Flynn, "Don't a lot of those factors hinge on the business incentive? Ultimately we want a developer to choose the CD over traditional development. If there is no business incentive and you have to go through this many steps, there will ultimately be no change." Kyle, "You want somebody to do this. The more flexibility you give within the development we've established, the better. Then it's how far the Village is willing to go? Charlie Marotta from Hunting valley made it clear once he peeled off the 55% open space, his waste water infrastructure, his storm water infrastructure, 200' setback around the parcel, 10% impervious cover limit - let him and his architect arrange that little hamlet anyway they want to. Then he can provide a big unit, a smaller unit."

Kyle, "We are recommending either a 20 acre of 15 acre minimum parcel size. We need some discussion about where you want the set back and what other information you need from us to set that minimum parcel size. Next steps: I would say we would put some of that into Gates Mills' model and discuss a draft and have an informal working session. Dr. Eckstien needs to know what we are proposing to him. He might think we are proposing a conservation development that has huge density bonus. Of course he is going to say no. There is no ground water to support that. If we are talking about 40% open space, no density bonus or maybe 1 or 2 density bonus. I want to get the parcel size, open space, impervious cover discussion.'

Ned Foley, the engineer, had reviewed the CHAPTER 1160, CONSERVATION DEVELOPMENT DISTRICT; Hunting Valley's CD. Hocevar received comments about CD from Ned Foley:

1). Not sure I fully understand the benefits of a "Conservation District" vs. a more conventional "cluster development or overlay zoning."

Kyle, "The benefit of the CD is that you have to apply to be in the district. You (PC) have the authority if you want to accept that into the district or not."

2). Both allow development to be outside sensitive areas. Giving up control of the "open space" to a third party is unnecessary.

3). Any development should require sanitary sewers.

4). Roadways can vary from subdivision regulations as to width, thickness & setback. No public streets other than collector/interconnect.

Hocevar, "He's trying to say the road standards that we have on Kensington & Fox Run; these roads are a little less engineered. There are less standards." Kyle, "It sounds like he's saying they would be private, which is a concern because it always becomes a public road after it needs maintenance; because the resident's request it." Hocevar, "I'm not saying that's what Ned is saying. He may be saying that's what he's picking up in here. (Hunting Valley document) Kyle, "Lee Courtney in Hunting Valley is required to comply with the same road standards as he would with a typical subdivision."

WORK SESSION

Brett reads from the Hunting Valley document; Pp. 4 (e) Access & Street Requirements. '(1). All streets constructed as part of a Conservation Development shall be private streets unless a public street is specifically authorized by the Village to provide for interconnection or to achieve some other public access purpose.' Brett, "This is an example. There are several elements of this that I'm not sold on. I reviewed this from a conceptual standpoint." Kyle, "Gates Mills is following the same one as Hunting Valley."

5). Plan development process would parallel a subdivision
-Preliminary approval
-Establish criteria/conditions for project by Planning
-Final Plans/Construction

Kyle, "You can consider instead of having districts that you apply to be in, putting it under a typical PUD (planning unit development). Someone said, "We have a large sensitivity overlay."

Brett, "These are just comments that Ned's sharing with this particular proposal. It doesn't sound like he's necessarily negative to the idea." Hocevar, "He compared CD to private cluster. When I talked to him he said I don't know what the difference is.

Kyle, "What's a private cluster?" Hocevar, "We cut down the number of (garbled). We've got the density. We've got the reduction in density. The density doesn't change. The lots are lower in sizes. Kensington's not private cluster. It's a different district. We reduced the sizes there by ¼ of an acre for an acre density for each dwelling. In Emerald Lakes, if you have 100 acres, you're allowed to put 100 houses. We want the land back somewhere else. In Emerald Lakes, we've got lots that are 1/3 of an acre, ¼ of an acre. But you've got ¾ of an acre in the common area." Brett, "It's a similar structural idea."

Tripp, "Chagrin Lakes did the same thing. The lots are ¾ of an acre. There's ¼ acre in the common ground from 113 lots. It formed the community lake, baseball field." Kyle, "What's different about this code is that it generates high quality open space from a conservation stand point. My assumption is that Chagrin Lakes & Emerald Lakes is not conservation easement worthy open space. It's not functioning open space. It's just space (garbled)." Hocevar, "Emerald Lakes is getting to be a wetlands."

Sutliff wondered about Hunting Valley's Code, Pp. 2 (c), 'Each CD district shall have a minimum area of not less than thirty (30) contiguous acres. Property which is contiguous to other property at any point which is burdened by a public right of way shall not be deemed a contiguous @ for the purposes of this provision.' Kyle, "This means if I own two pieces of land & there's a road through the middle, it's not contiguous property."

Kyle, "**I'm hearing we are settling on a 20 acre minimum parcel size, 10% impervious cover limit, but we will look at the Village, 40% open space for discussion purposes. I think you need to look at setbacks that are in the Hunting**

Valley Code & the Gates Mills Code. You're going to have a group unit. You want to have a bigger distance so people don't feel that there's a bunch of houses behind them.

4. OLD BUSINESS:

Brett, "Last night we had a Public Hearing for septic systems; taking them out of the definition of accessory structures. Afterwards in the Council meeting, the septic system ordinances; both passed. The two other motions that came out of PC passed.

The width/lot line went through a second reading last night. The Public Hearing for that is set for June 4, 2007 at 7:00 p.m. That helps with flag lots. But it doesn't have any impact on the design; where the road goes down on one side of the property." DiMichele, "When those pass, who is affected? Who is grandfathered?" Hocevar, "I don't know if anyone is grandfathered once it is passed."

5. NEW BUSINESS: **Next meeting: June 21, 2007 at 7:30 P.M.**

Hocevar to contact Dr. Eckstein; he will address ground water recharge, water availability, wetlands.

Kyle will return for the meeting. She'd like to talk to Dr. Eckstein before the meeting. Hocevar will get Kyle Dr. Eckstein's phone number. Before the next meeting, Kyle would like to see a proposal from developers that has been reviewed by PC (street on one side of property with houses on one side of the street)

Tripp reviews what is to be addressed at the next meeting: CD, minimum parcel size, 40% open space, 10% impervious cover, compare proposals that have been brought to PC to Conservation Development & look at other places in the Village that CD may come up.

Kyle suggested looking at setbacks in Hunting Valley & Gates Mills Code & look at combination of parcels throughout the Village.

6. ADJOURN: **8:35 P.M.**

Walter Sutliff, Chairman

Maggie Tomaro, secretary

- handed out - 5-15-07 from Kyle Dreftuss-Wells, (CRWP)

Conservation Development Districts

➢As a planning tool.

➢As applied to the Village.

(1)

Conservation Development

- **Subdivision layouts that allow homes to be arranged for minimal impacts.** The number of homes is the same as would be allowed under traditional development.
  - ➢Conservation Development
  - ➢Open Space Housing
  - ➢Cluster Development
- **Benefits of this approach to site design**
  - ➢Reduce infrastructure costs.
  - ➢Maintain open space, historic uses, and community character.
  - ➢Increase property values.

2

Important Components of a Local Code

- Required % open space.
- Conservation easements on open space.
- Required setbacks not included in the open space calculation.
- Overall impervious cover limit.
- Limited structural stormwater management in open space.
- Approved development plan.
- Density of dwelling units determined by approved yield plan.

3)



Traditional development subdivides ALL available land & resources.

Russell Township Subdivision

184 acres in 37 lots

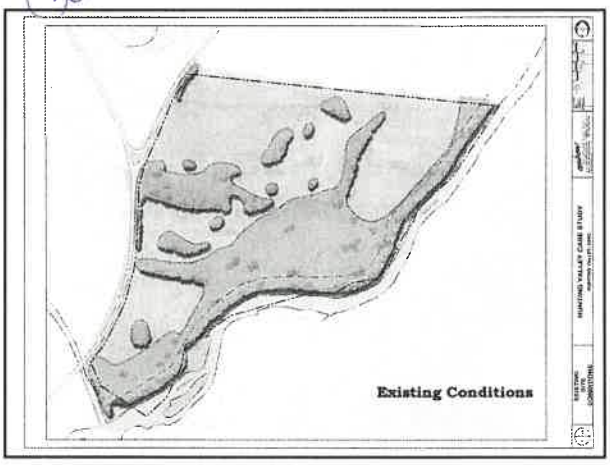
5 acre minimum lots

4A

Case Study

Comparison of Traditional Subdivision Design and Conservation Development Design

(4B)



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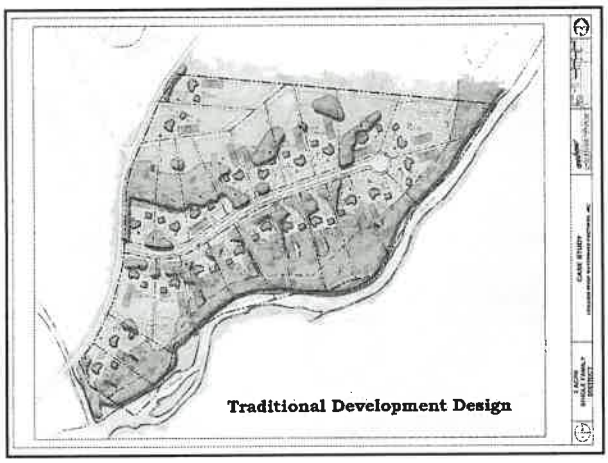

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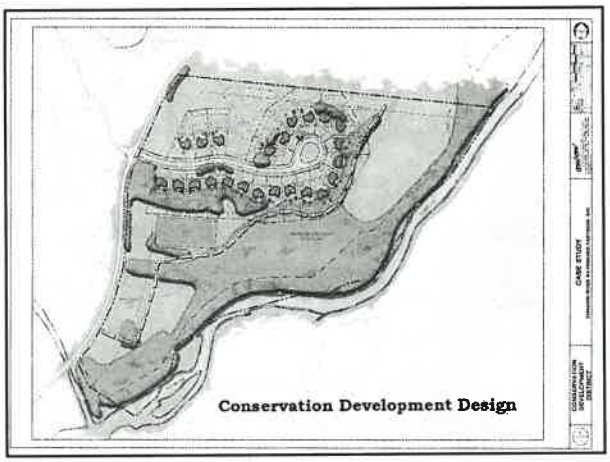


4E

Comparison of Requirements and Impacts

	TRADITIONAL (2 acre lots)	CONSERAVTION (0.5 acre lots)
Property	**51 acres**	**51 acres**
Dwellings	**23**	**23**
Building Footprint	**2,225 sf**	**2,225 sf**
Protected Open Space (required)	**0 acres**	**26 acres,** 50% of site
Impervious Area	**4 acres,** 8% of site	**3 acres,** 5% of site
Total Disturbed Area	**22 acres,** 44% of site	**10** acres, 20% of site
Tree Clearing Area	**6 acres,** 12% of site	**2 acres,** 4% of site

4F

Comparison of Costs

	Traditional	Conservation
Site Work	$163,805	$108,363
Pave		1,131
Drir		0,000
San		2,630
Stor		
Mar		2,000
Eros		3,357
Finish Grade	$176,620	$115,126
Total	***$1,137,303***	***$942,606***
Total Per Lot	**$49,448**	**$40,983**

Cost for conservation development lower.

Shifts from builder to developer.

Total Cost Savings

1) $195,000 overall

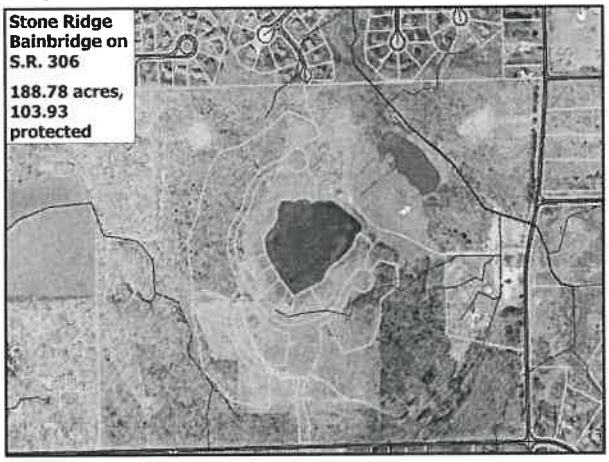
2) $8,500 per lot

5A

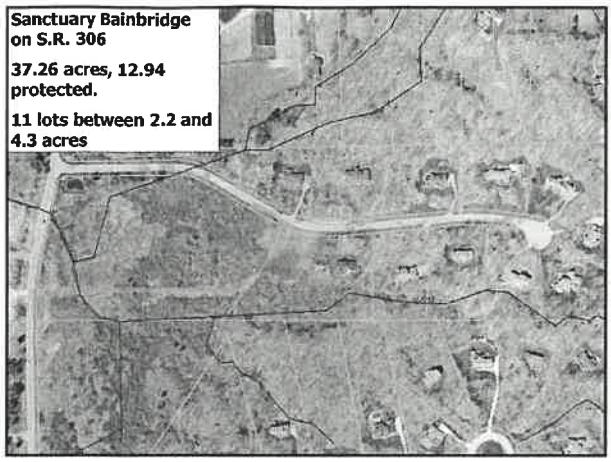
Conservation Development Districts

Chagrin River Watershed Examples

5B



5C



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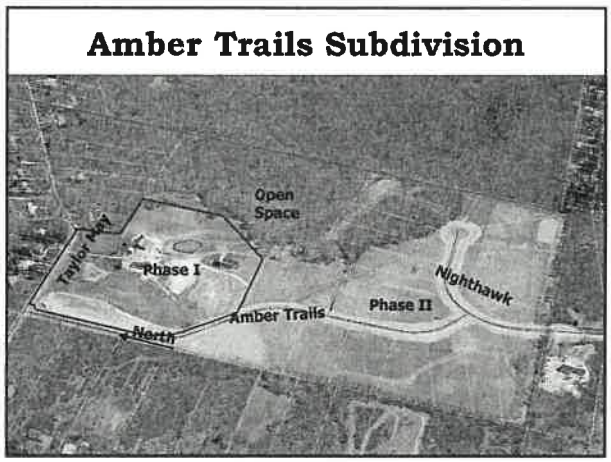

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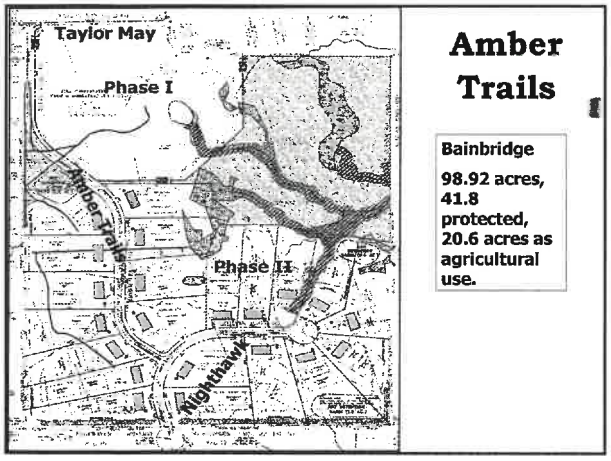
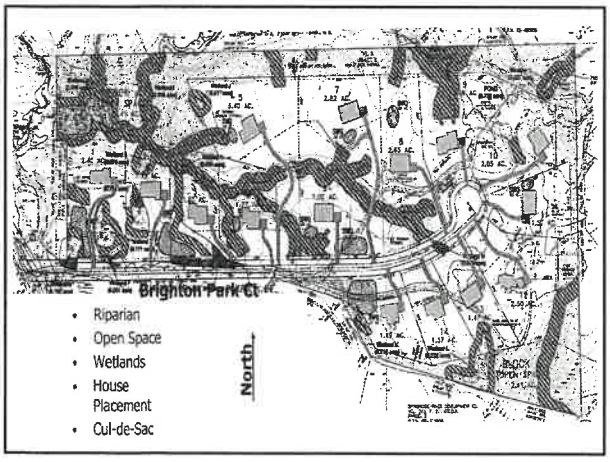


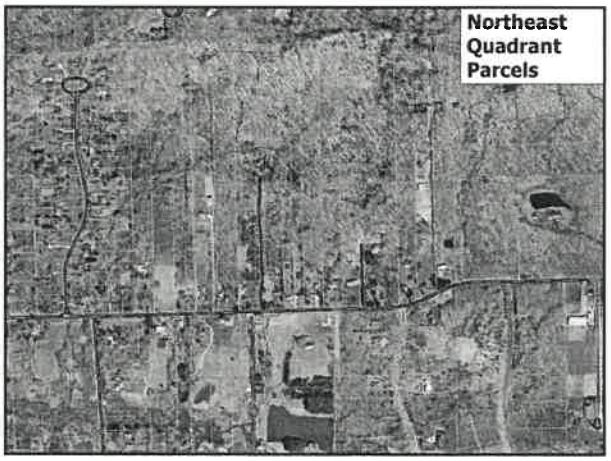
5F



5G



6A



6B

Northeast Quadrant Parcels

- 147 acres, across 15 parcels.
- 3.6 acres smallest, 22.4 acres largest, average ca. 10 acres.
- 12 property owners.
- Zoned at 1 unit per 2 acres.
- Served by septic systems.
- Drinking water constraints.
- Under Village 208 Plan, designated served by on-site systems.
- Natural resources include a few headwater streams and potentially scattered wetlands.

6C

Conservation Development in South Russell

- 10 to 15 acres minimum parcel size, depending on Village goals.
- Link to protected open space and coordinate with other proposed conservation developments if possible – "conservation corridors".
- Approved Yield Plan, showing water/septic availability.
- Minimum 40% restricted open space, protected by a conservation easement.
- No stormwater or wastewater **structures** in the restricted open space.

6D

Conservation Development in South Russell

	Parcels
10 Acres	12
15 Acres	5
20 Acres	3

Minimum parcel sizes, based on single property owners.

Analysis of potential for parcel combinations not yet done.

6E



Foley

JUNE 21
ECKSTEIN

Conservation District Comments.

- Not sure I fully understand the benefits of a "Conservation District" vs. a more conventional "Cluster development, or "overlay zoning".

  Both allow development to be outside sensative areas. Giving up control of the "open space" to a third party is unnecessary.

- Any development should require sanitary sewers

- Roadways can vary from subdivision regulations as to width, thickness, & setback. No public streets other than Collector / Interconnect.

- Plan development process would parallel a subdivision
  - Preliminary approval
  - Establish criteria/conditions for project by Planning.
  - Final Plans / Construction

given to PC 6-15-07

ORDINANCE NO.: 2007-_____

INTRODUCED BY: _____

PLANNING COMMISSION_____
PUBLIC HEARING_____
FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 2.01(67) AND (68) OF THE ZONING CODE CONCERNING THE DEFINITIONS OF "LOT LINE" AND "LOT WIDTH," RESPECTIVELY.

WHEREAS, the Planning Commission desires to discourage the establishment of "flag lots" within the Village of South Russell; and

WHEREAS, amending certain definitions within the South Russell Zoning Code shall serve to clarify that flag lots are not to be encouraged nor permitted within the Village.

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

SECTION 1. Section 2.01(67) Lot Line shall be amended to read as follows:

The boundary of a lot separating it from a street, easement or another lot. The minimum front lot line of any lot shall be fifty (50) feet and said front lot line must abut a public right-of-way.

SECTION 2. Current Section 2.01(67) Lot Line, the full text of which follows, is hereby repealed:

The boundary of a lot separating it from a street, easement or another lot. The minimum front lot line of any lot shall be fifty (50) feet.

SECTION 3. Section 2.01(68) Lot Width shall be amended to read as follows:

The horizontal distance of a lot measured along the minimum required building set-back line (also referred to as building line), at a right angle to the mean lot depth line, regardless of where the building on such lot is to be ultimately located on the lot. This provision is intended to confirm that the required minimum horizontal width for a lot as established under Sections 4.02, 5.02 and 6.02 of this Zoning Code is measured at the minimum required building set-back line, thereby discouraging flag lots. The minimum lot width must also be met at the actual building line.

SECTION 4. Current Section 2.01(68) Lot Width, the full text of which follows, is hereby repealed:

The horizontal distance of a lot measured along the building set-back line (also referred to as Building Line), at a right angle to the mean lot depth line.

SECTION 5. 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 6. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Clerk

I certify that Ordinance No. 2007-___ was duly enacted on the ____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Clerk

F:\WP51\Wp\DMO\South Russell\Ordinance\2007\Lot.Lines.doc

[handout 4-19-07

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
JULY 19, 2007
7:30 P.M.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Ike Tripp, Janice DiMichele, John Dishong**
   OTHER OFFICIALS: **David Hocevar, Building Inspector,**
   ABSENT: **Ned Foley, Engineer. David Ondrey, Solicitor**
   GUESTS:
   Eric Payne, 12450 Willshire Ln. Chardon, Ohio 44024
   Yoram Eckstein, P.O. Box 3026 Kent, Ohio 44240
   Kyle Drefuss-Wells, Chagrin River Watershed Partners, Inc. (CRWP)

2. MINUTES: 5-15-07 **Approved**

3. AGENDA:

1). PAYNE & PAYNE CUSTOM BUILDERS INTEND TO BUILD A HOUSE AT 108 ASHLEIGH DRIVE. THE PERMITTED HEIGHT OF A STRUCTURE IS 35 FEET. THE DRAWINGS INDICATE THE HEIGHT TO BE 37 FEET. A TWO FOOT VARIANCE IS REQUIRED. Note: The plans were approved by the ABR on 7-17-2007. Prior to that, the ABR conditionally approved the height of 37'; condition upon PC approval.
Notice of this meeting was sent to neighbors & president of the HOA; no feedback

Hocevar provides history: height variances used to go to the ZBA. When the Emerald Lakes & Manor Brook subdivisions were being built, Council & PC decided to become more involved. Decision: turn height variance over to PC. Hocevar, "This variance is for 2'. That's ok because of the district it is in. You could move so far back, 100' on either side, you can increase the side yard distance." Sutliff, "The ordinance is 30', but if you move the house back you can go up to 35'." Hocevar, "Right. If you move the house back, you are in the right district. You couldn't do it at Emerald Lakes. Other houses in Ashleigh are real close to 37' high. This might be the second variance. It's not a big issue. It probably wouldn't have an effect here if it wasn't a walkout basement." Sutliff, "The 37' high is the rear of the house." Hocevar, "Exactly."

Tripp, "I move we approve the structure that has been submitted on the prints by Payne & Payne Custom Builders for the house at 108 Ashleigh to allow the 2' height variance to 37'." Dishong second. Roll call. All ayes. APPROVED

2). DR. ECKSTEIN WILL DISCUSS WATER ISSUES IN THE VILLAGE; SPECIFICALLY THE NORTHEAST QUADRANT
KYLE DREFUSS-WELLS OF THE CHAGRIN WATERSHED PARTNERS, INC. (CRWP) WILL CONTINUE TO DISCUSS CONSERVATION DEVELOPMENT (CD)

Kyle's handouts: power point presentation, Gates Mills CD draft titled, 'Chapter 1160, Conservation Development District,' Gates Mills colored flow charts: (a). Village of Gates Mills, Ohio - Standard Subdivision Approval Process, (b). Village of Gates Mills, Ohio - Conservation Subdivision Approval Process

Sutliff summarizes last few meetings: discussion about Conservation Development (CD) in the northeastern part of the Village. "We're not necessarily talking about compromising on the density, lot size maybe. Water is a concern."

Gates Mills CD is very similar to Hunting Valley's. It's the new & improved plan. C.W. Courtney is the Engineer for Hunting Valley & Gates Mills. To date, the Gates Mills plan is not passed. Next step: Kyle to do a presentation for Gates Mills residents & explain that CD is based on a yield plan with no density increase.
POWER POINT:

Pp. 1 #1 summarized meeting on 5-15-07

Pp. 1 #3 Northeast Quadrant Parcels defined as having limited water sources. Under South Russell's 208 Plan, they would be served by on-site systems, not central systems

Pp. 1 #4 Proposed Development 2006. The problem with South Russell, it is long not square like Moreland Hills. First proposal: off Bell Road, had a private drive, 4 lots, developer wanted to reconfigure them due to problem with well water. Issue: proposed driveway; it would actually be a road. It didn't meet frontage requirements. Another project, The Carrington Project: dedicated road on the North side of Bell (Ploziak property), 6 or 7 homes, problem with the development is sewage; improper soils for appropriated septic tank. Issue: limited suitability for home sewage treatment system. Carrington could have gone through if it had the soil for the septic tanks.

Pp. 1 #5 Water Sensativity Map. Dr. Eckstein, "We had a project with Russell Township to construct a model of ground water resources. We considered different areas with respect to aquifer permeability, which is how large can the production per well be in any particular part of the Village. We took into consideration, placement of septic tanks on a particular lot. Two constraints: (1.) the rate of production, the viability of rate of production in any given part of the Village, (2). the viability of space for septic tanks according to standards. This is the reason why some areas require lot size of 4 acres & another area, 1 acre lot.

Northeastern part, the aquifer is pretty tight; permeability is low. If you drill the water well there, you'll have little chance of getting more then 10 gallons per minute from a well. In this area (Bell & Chillicothe), easily 30, 50 or 100 gallons per minute. Depends on frequency & nature of fracturing in the bed formation composed of Sharon

sandstone. The denser fractures have more water permeability. Permeability can change over a short distance. At the corner of Bell & Chillicothe, you will get easily 50-100 gallons per minute. Go 300 yards north along Chillicothe Road, if you get 10 gallons per minute, you're lucky; due to distribution of fractures & grain size in the sand stone alone.

One variable can be changed & that is septic tank. If there will be a centralized sewage system that will eliminate the constraint imposed on this map by space or septic tank, that will change the map.

Northeast quadrant: permeability is low. Several years ago, Dr. Eckstein consulted on a narrow strip of land, running north & south, north of Bell. The developer wanted 6 or 7 lots with wells. Dr. Eckstein warned him not to expect too much. Dr. Eckstein recommended to drill a test hole. Before the test, the project was withdrawn. Dr. Eckstein, "I warned them the yield per well might not accommodate 6 lots."

Dr. Eckstein shared a story from Wooster, Ohio. To his surprise, there is legislation from the House of Representatives of Ohio that allows local authorities authorization to spread oil brines as either an anti-dust or anti-icing agent. Problem is if such brines are spread over a recharge zone -the area where ground water is being recharged - then they are asking for a disaster.

A big commercial storage yard of drilling equipment was located on a recharge zone. Local authorities are interested in companies that are paying the highest taxes. This company asked to spread brines. No one asked what the environmental impact would be. Two years latter, 7 neighbors got salt in their water wells. It was polluted a long time. Dr. Eckstein prepared an extensive research analysis. The case was settled one week before he gave his testimony.

Dr. Eckstein, "If there are such resolutions such as oil brines, I don't know what else they are permitting local authorities to do in Ohio."

In South Russell, there are 3 aquifers: (1). Glacial sediments that are on the very west; where Sharon is pinched out by erosion. Glacial sediments are well sorted in some areas by flowing water. They have high permeability. Those are limited places. Elsewhere the glacial material dumped directly by a glacier is not sorted. A moving glacier cannot sort coarse from fine as every creek can do. (2). Sharon sandstone: top bedrock layer, most reliable aquifer here. In some places, its lower permeability, some places has higher permeability. There is no place that will give less than 5 gallons per minute. The map of the northeast quadrant draws water from Sharon. (3). 100' below Sharon is Berea sandstone; same rock type as Sharon. It's a good aquifer. If Berea sandstone yields in this area more then 10 gallons per minute, I'd be surprised. It's usually 5, 6 and sometimes less than 5. It's under the entire Village. Its water quality is within drinking water standards, but not as good as Sharon or glacial sediments. Berea is needed for production in the western part of the Village where Sharon is pinched out by the erosion. On the surface there is only glacial formation. In some places, glacial formations do not yield much water so there is no other source but to go deeper into Berea."

Dr. Eckstein, "In the west, I put in writing recommendation for checkerboard pattern. There was a disconnect between my report and the private developers. They did not plan the checkerboard. (Emerald Lakes II) There are three back to back Berea wells. Being low yield, they steal water from each other. This is a problem."

Would checkerboard wells be applicable in the east end of the Village? Dr. Eckstein, "I can not answer this question because east of Chillicothe, there is not a single Berea well. It was never tested. I am a bit pessimistic about it. Berea sandstone is very tight sandstone meaning grains of sand are cemented together by clay like material. Clay means low permeability. In places where Berea comes closer to ground surface - like north of Russell Township, or at the very west edge of South Russell Village near Chagrin Falls and the Chagrin River - Berea comes out actually. That is because of the effects of the surface. That Berea sandstone becomes fractured. Once we have fractures, we have permeability. You might read in an old, but very good report on water in Geuaga County, cases of Berea sandstone yielding 100 gallons per minute. That is far north in Geauga County, not here. Here in the east, Berea is not close to the surface. To reach Berea in the east, you have to go through 20' of glacial sediment, 100' of Sharon sandstone, 100' of Cuyahoga shales, and then you'd get into the Berea; 220' minimum."

Kyle, "The information that Dr. Eckstein has just reviewed is incorporated into this map. (Pp1. #5) The map dictates the yield of these lots. It would lay out the yield CD on any combination of those parcels, it's not a limiting factor. It's one of the things that determines yield plan. Your yield in terms of lots is low given the lack of ground water availability in that area." Dishong, "The map is based on assuming septics were there. If sewers came out, the map would be dramatically different." Kyle, "Is the aquifer the controlling thing in the northeast?" Dr. Eckstein, "Together with the soils. My guess is with a centralized sewer systems the constrictions would be eased. How much? I don't know."

Brett to Dr. Eckstein, "Sewers run through about 60% of the Village. Currently we're evaluating and going through an informational process for another 20%." Dr. Eckstein, "Absolutely yes. I am saying it not on the basis of local conditions; on the basis of more then 40 years of professional experience in the field. Septic tanks are terrible solutions in the long run because you delegate the responsibility of operation of septic tank to private owner. Whether he will put, every 4 to 6 months, the bacterial culture that needs to be put into the system to develop the leach field so the leach field will be operating properly or not, it all depends on the individual. Some people don't know they are supposed to put every 6 months minimum bacterial culture to survive every (mumbled)".

Brett, "I might ask you (Dr. Eckstein) to send your position statement to me regarding that."

Dishong, "We're going through some information sessions now about whether to extend the sewers". Dr. Eckstein, "Absolutely yes. Absolutely yes. I can bring you hundreds of cases from all over Ohio where there were dire consequences. The leach

field was not maintained. It overflowed and then the neighbor next door two years down starts to get viruses."

Brett to Dr. Eckstein, "As we talk about a CD district, if we look at the northeast quadrant and we see that the north section of those lots goes up to 3 acre ground water zoning and then a 4 acre ground zone; this idea of a Conservation District -where we look to have a minimum amount of acreage combined into one acreage, an area where the density might stay the same as is now, but we would allow groupings of homes to occur in a conserved area- one question: the map determines where those homes would have to be. Do the homes need to be closer to Bell Road? Does it not matter?" Dr. Eckstein, "I don't care where houses are. I care where wells are." Kyle, "This is not a recharge area. We don't have to worry about the impervious cover covering recharge."

Tripp, "Have you field mapped this quadrant area? Or have you based your analysis on well logs and surrounding areas?" Dr. Eckstein, "We first collected all well logs. Then on well logs, you have results of drillers' production tests. From those production tests, if they are complete, we calculate permeability. Then we put it on the map and evaluate the radius of influence around each pumping well that is pumping typical consumption of one family home. The principle is at the radius of influence should not be exported over the boundaries of the lot. Those are the constraints. On the map, we do it by numerical modeling." Tripp, "You numerically model the cone of depression and overlay them and determine it that way. Another thing I know from walking out there; there are several areas of perched water tables which is getting to be a big issue with the Corp of Engineers. There is the concern of several wetlands there. They may not be ground water recharge. They are considered sensitive." Dr. Eckstein, "They are perched. You are right. They are usually on top of low permeability glacial sediments. We call it glacial till."

Perched water table? Dr. Eckstein, "When you drill through an area, you reach ground water table. This is the original ground water table. But on the way down you might encounter a limited lens of impermeable clay. That clay is perching on top of it. That means that the water is sitting on top of this clay lens; cannot trickle down because clay is impermeable. It only overflows over the boundaries of the clay. Under the clay, you have a non saturated zone. It's still way down to water table where you actually get the actual aquifer. Perched aquifer; a very little commercial value."

Brett to Dr. Eckstein, "What are your over all thoughts of CD as it pertains to the water supply for the Village specific to this area? Beneficial? A negative effect; not only on that specific area but immediately to the west in the Maple Hill development?" Dr. Eckstein, "If I am involved in any development, I'd promise to the neighbors that the cone of depression would not be exported beyond the borders of the owner's lot. If I'm involved, I would definitely limit the allowed production to not cause interaction with the neighboring wells. What concerns me is in the concept we talked about of clustering the homes closer together. And I'm telling you, I don't want to cluster wells closer together. As long as we remain in the long (garbled) of individual water wells per household, that

will require pushing some surface lines. The developers will not be too happy because of money."

Dr. Eckstein, "There's another possibility of supplying water to cluster residences from communal wells. When I say communal wells, I'm not defining how many connections because that's very sensitive (garbled). If we connect 15 residences, then we have to create water company. If you connect only 2, 3, 4 or 5 to water well, then from hydro geological point of view, it's perfect. There is a legal problem; whom that well belongs to. There must be a contract between the co-owners to maintain the well. You will need a lawyer who will draft such a contract."

Dr. Eckstein, "I drilled Mannor Brook. They have a public water supply system. Environment Protection Agency has 2 standards: (#1). 15 connections which is 15 households or (#2). 25 heads round a year, which is 25 people."

Kyle, "You can see the issues with the northeast quadrant of ground water availability and sewage treatment are going to be issues if you develop this traditionally or in the CD option. With CD, the developer will be looking at grouped septic and grouped water. That would make his expenses higher."

Pp. 2 #7 Traditional design: Kyle, "Each with its own well and each with its own septic, which has a host of problems."

Page 2, #8 CD design: Kyle, "Clustered option which has exactly the same number of homes. In this location, there is a grouped septic system through drip irrigation and another area for a common well. This design assumes there is a water supply to that."

Dishong, "Would you consider Emerald Lakes II a CD?" Kyle, "What is the percent open space?" (No one knows) Kyle, "Is it in a conservation easement?" No. Hocevar, "It's close to 40% open space." Tripp, "Emerald Lakes II is unique. The area that is green space is wetlands. In Chagrin Lakes, the houses sit on ¾ of an acre and they took ¼ of an acre and made combined common area with a lake." Kyle, "Emerald Lakes is not a CD. You need more green space with nothing in it and a conservation easement on it. So, green space with your sewage treatment in it and ground water wells and swimming pools and tennis courts is not functioning open space from an ecologic standpoint. In the CD design, Pp, 2 #8, open space is 55%."

DiMichele, "We can't do this because your saying (Dr. Eckstein) each house has to have its own well and you can't do that unless the wells are all over the place being piped in." Dr. Eckstein, "I think the developer would be very unhappy because this could require long pipes." DiMichele, "But the wells have to be all over the place." Dr. Eckstein, "Yes."

Kyle, "This is a tight scenario that they laid out for Hunting Valley. Your CD doesn't have to look exactly like this. The developers can come in with any proposal. It's up to them to make the economics of this."

Kyle, Page 2, #8 Residential Neighborhood Developments. Kensington is the only development under residential neighborhood developments. There is no parcel now that could go under this. This code is not a live code given what is remaining in South

Russell. Kensington is not a CD. It was innovative for the time. Now we're talking about saving significant pieces of open space to provide for the (garbled) character in the Village."

Kyle, "You've seen in the Gates Mills Code, you set up an envelope of constraints for the developer and allow him to make it work within these constraints & the economics of it: about 40% open space, minimum parcel size, compress the lots as much as they want as long as they make the sewage and the water work and over all limit of impervious cover on the site; 10%."

Page 2, #9: Private Cluster Residential Developments: Emerald Lakes. Kyle, "Unless those parcels in the northeast quadrant combine, this isn't a CD either because there is no specific limit on it."

Page 2, #10: CD in South Russell: Kyle, "You want to have some incentive in the northeast parcel to come together; for example, getting it between 25 and 30 acres. Gates Mills set theirs 25. Hunting Valley is 30 acres minimum. Developers apply to be in the CD district. There are no rights to this. They apply and you ask, is this better for the Village then traditional development? If it's not, you don't have to approve this CD. No storm water or waste water structures in restricted open space. You can have some flexibility in that, but you want the integrity of the open space not to be compromised. It should do some work. For example, if it can provide some storm water management with a man made lake, you have to look at maintenance. If it's a lake that is made to provide storm water service, it needs to have an outlet structure. Given the new Ohio EPA requirements, it's a complex outlet structure. You need to get there easily. Generally we don't see those in protected areas."

Page 3, #11. Map of South Russell: pink parcels are 25 acres or more in the whole Village now, yellow parcels, 10 to 25 acres in the Village. The idea is to give an incentive not to develop individual 10 acres, but to bring those together and group the homes with the constraints of sewage water and the code. You're most likely not going to sewer in there, not going to bring in central water. You want to provide an option that is better than that long skinny road with houses back behind each other."

Incentive: Kyle, "You don't want to have so many incentives so people develop where they wouldn't develop otherwise. Two incentives: #1. Having the CD Code to begin with; develop 25 acres or more etc. #2. SR Village provides assistance. We will provide you with design assistance figuring out some of these constraints provided you go this route. If you go the traditional route, you don't get any assistance. If you offer density bonus you bring up issues that we went through tonight. Development and sustained development- where wells will always produce- is an issue in the northeast quadrant. Density is what it is about."

Kyle, "Land pooling: have some small parcels that are divided up arbitrarily. Land owners can come together and form a limited liability corporation and have the right to develop certain number of parcels. Another incentive: provide 12 property owners with information like limited liability corporation."

DiMichele, "If we went to them and said here is the information, I'd panic if I heard this. They said they don't want to develop. If we get 2 on this side and 3 on this side and the guy in the middle doesn't want to do this, I am at a loss as to why we are doing any of this." Kyle, "Because you have developments coming to you that are unattractive to the Village. They are being stopped for marginal reasons."

DiMichele, "If there is a plan like we had with the long driveway with six houses going down, how can they have those little cones for wells?" Dr. Eckstein, "This is lower permeability material vs. large permeability; something that looks like a paradox. If you have highly permeable material that will easily yield large amounts of water, it will create wide spread cone of depression, but shallow. With low permeability material, it is exactly opposite when we are designing water wells in this northeastern corner. I have to consider how much space I have to drill down during pumping. I don't want the pump in the well to gulp air. You'll damage the pump. I can place the pump at the bottom of the aquifer. I don't want the drill to go down deeper. Those are the constraints of those slim lots. The cone of depression there is not a big problem."

DiMichele, "If two of them get together and the houses would be close together up front, how is that advantageous?" Dr. Eckstein, "I still don't want to put to close to each other because the down (garbled) effect will eventually cause the cones of depression to collapse. There would be one big cone of depression with downward upturned cones. It will have to be designed; how close can they be to each other? How far from each other should they be?"

Kyle, "Clustering the houses doesn't necessitate clustering the wells. It's the extent to which someone would want to pipe." Dr. Eckstein agrees.

Brett to Kyle, "In Hunting Valley the developer could have developed that property and could have put a number of homes on it. He chose to go with the CD. What was the reason?" Kyle, "Charlie Marotta developed his property the way he did because it was a more interesting development product. His costs in terms of infrastructure were lower. That is his property and he did not want to clear the whole property. Every land owner always has the right to go traditional. It's not a question of CD or no development. It's a question of CD or traditional development."

Brett to DiMichele, "The reason we are evaluating this is because now we can be faced with that same plan where they could put 8 lots on a 22 acre parcel. The road would be down the side. The advantage of CD for the property owner to the side of them is, instead of having a road down their property line, if we do this CD the Village could require some setbacks and buffer and landscape plans. With out CD, we don't have control. The incentive to a land owner and developer is if they don't have to put a home on every 2, 3, or 4 acres, they can put in less road, less infrastructure, have less cost and a more appealing sellable product. For them they make more money."

DiMichele, "If that option doesn't sound feasible from where the wells went, it's nice to say you can cluster it in one spot." Brett, "I don't think we heard that." Dishong, "Its economics, whether your going to put a community well. It might cost more money to put community wells in and pipe it, but they're spending less money on infrastructure.

Here are the constraints. They are going to do it if it's going to make them money like any development." Kyle, "Series of concerns: the location of homes, the location of the waste water treatment, and location of drinking water. When you open it up with CD option, you disconnect those. However you want to lay it out, you have to maintain 40% open space, 10% impervious cover limit, and after that the developer figures it out. We will help the developer figure it out because we have to approve the development. The Village has control over CD from start to finish. We don't want the CD Code to be based on 10 acres. By setting it so high, you have to talk to one of you neighbors or two of your neighbors. CD is still going to be fairly expensive to develop."

Hocevar to DiMichele, "We're not rezoning a piece of property here. We are giving them an option like we did in the R-2 district; the private cluster. We're not going to tell anybody they have to do it." DiMichele, "I understand it's another option. I haven't heard any incentives why somebody would consider doing that option." Hocevar, "A good developer would give it some consideration."

Dishong and Sutliff think the CD product is very desirable. Tripp, "We've got a problem. We've got a deep lot here & they are anti development. They want their long narrow lots and they don't want anything to happen to them. Then there are other people that are now actively trying to sell. Two camps. We get a choice of having some degree of control with CD or we get roads down one side."

Kyle, "Be clear the Gates Mills draft says that Gates Mills has Cleveland water. None of these issues come up with ground water availability. So we would have to tailor this code if you do move forward; that you'll have wells 100 gallons per minute." Brett, "If we were to do this, we would have the ability to control whatever it is. One of the items would be the well, water supply & infrastructure has to go before our hydrologist to review. That was the piece we missed in the Emerald Lakes development. Good plan, but no way to execute it." Tripp, "There was a disconnect between him and the builder like he said." Sutliff, "I remember discussing that and I don't know why it never got enforced." Hocevar, "It never got enforced because it never came to my office. The developer would have saved money rotating. But they drilled all the wells so deep."

Sutliff, "When you drill into the Berea, your penetrating the Sharon, doesn't water mix?" Dr. Eckstein, "Yes you are right. The well going into the Berea is cased through Sharon. If not cased, those wells would be giving more water and eventually they would affect one another."

Brett to Dr. Eckstein, "In regard to this potential proposal, from a water supply perspective, this sounds like something that would not be a negative. Do you have any reservations?" Dr. Eckstein, "(Garbled) ground water is perfectly feasible once the developer will agree to pull longer pipe line from wells that are spread widely. You will need to discuss with the developer that he will have short road with this turn around, much shorter then under normal development. But he will have to do spider web spread of wells with the pipes."

Sutliff, "Legally if your well is not on your property, but is over three hundred feet away…" Dr. Eckstein, "This is a good point." Kyle, "It's the same issue with your common septic. If you have a clustered drip irrigation, which is what Charile Marotta has; he has a condo development which is the easiest thing to do because the condominium laws in Ohio are good. So you could have the condominium association have control over those wells. That's one option. The developer has to weigh the cost of forming a condominium association. A Home Owners Association is not something I would want to leave with the responsibility of the drinking water. Although the Home Owners Association in Tanglewood in Bainbridge runs a lake, a dam, and the drinking water system."

Kyle, "If there is a portion of the parcel that has particularly good ground water, you can focus the wells in that area. CD gives you the ability to focus on the portion of the parcels that yield vs. having to stick some homes in the areas that aren't going to yield at all. The over all development plan would be driven by ground water ability for a traditional development."

Brett, "The more we go through this process, the more I think this is a good, viable solution for this quadrant. Some body could come in with that same plan that they had before, but at least we're doing something to try to put the Village in a position where there is a better product and a better option. To me this is something I'd ask Planning Commission in the future, to continue to pursue." Sutliff, "So do I." Dishong, "I want to think it through. We're not at a point to make a decision. It definitely provides an option that could be very attractive to the Village. The best we can hope to do is try to manage it."

DiMichele, "It's a great theory. I think it would be wonderful. I'm skeptical that anybody is going to go for it without having some kind of incentive. I think were adding a lot more hurdles; making it more difficult to develop. It's a lot of things they normally don't have to do; just put the road in and sell the houses. I don't see without an incentive why they are going to do it. I've got to tell you, there is no way I'd buy a house if the well is not on my property. Forget it." Tripp, "We have a spectrum here. On the one hand we have the existing zoning and planning rules. We've been able to narrowly avoid the installation of long bowling alley lots with many houses spaced inappropriately in our community. At the other end, we have the potential to pass CD and setting minimum acreage, open space, taking into effect waste water considerations, storm water considerations, and well consideration. As you look at the people in the community, they will say which side of the spectrum do we want to migrate towards? Bowling alley lots or open space? To me the CD represents the light end of the spectrum."

Sutliff, "What's the next step? What's the process?" Kyle, "You have the Gates Mills draft. We feel it's very good. There are things that need to be tailored to South Russell. Either we can do it at another meeting, or folks can give me their feed back, or get feed back to Matt on one unified version and send it to me indicating we would like to see the following changes. I can make those changes and we can discuss that draft. It would be helpful to me to see what your comments are on the Gates Mills draft assuming that it is sort of a model we are going with."

Kyle will email the Gates Mills draft to Brett. He will email it to Ondrey.

Planning Commission to review Gates Mills draft and discuss it at next meeting. Kyle will not be in attendance at the August 16th, 2007 meeting; perhaps at the September 2007 meeting. Kyle requests changes that PC might make to be sent to her. She can incorporate them into a draft and present it to PC at the September meeting.

Tripp asks Hocevar to prepare - for August meeting - a flow chart like the Gates Mills one that Kyle handed out tonight; 'Village of South Russell, Ohio Standard Subdivision Approval Process'. Kyle will email the 2 flow charts to Brett. Hocevar says looking at Gates Mills flowchart, it's about the same as South Russell's.

4. OLD BUSINESS: **none**

5. NEW BUSINESS: **Next meeting: 8-16-07 at 7:30 p.m.**

August 16, 07 Brett & Dishong may not be available for the meeting.

Brett reported that the Village is getting complaints of multiple cars being parked in driveways for a long time. Currently, the Village has an ordinance that only specifies that vehicles have to be operational & licensed. Council member, Jim Flaiz, & Ondrey are going to tweak the ordinance. Near future, Brett wants the PC to address this. And he discovered there is an ordinance that RV's & boats are restricted from being parked in the front setback of a home on a hard surface.

There was no further business. The meeting adjourned at 9:10 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

August 13, 2007

To: PC
From: Maggie Tomaro

Greetings!

The next PC meeting is set for Thursday, August 16, 2007 at 7:30 P.M. There are two items on the agenda:

1. Review the Gate Mills Conservation Development Code; amend it to meet South Russell's needs i.e. water issues in the northeast quadrant of the Village. Kyle Drefuss-Wells of the CRWP will not be in attendance at this meeting. Be sure to bring your copy of the Gates Mills Code to the meeting.

2. Matt Brett e-mailed a draft of an ordinance on 7-20-07: **ORDINANCE AMENDING SECTION 4.01(b) OF THE ZONING CODE BY ESTABLISHING LIMITATIONS ON OUTDOOR STORAGE OR PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS.** Please bring this to the meeting to discuss.

Please call me if you do not plan on attending the meeting on the 16th. 338-1807
Thanks.

Maggie

VILLAGE OF SOUTH RUSSELL
SUBDIVISION APPROVAL PROCESS

- Applicant submits PRELIMINARY Plans to Building & Zoning Dept.
- Preliminary Plans forwarded to Planning Commission and Engineer for review.
- Applicant submits FINAL Plans to Building and Zoning Dept. for approvals by Planning Commission and Engineer.
- Plans approved by Planning Commission and Engineer are forwarded to Council for approval.
- Plans approved by Council and Engineer.
- Project approved.

PC 8-16-07

Building Dept's
flowchart
given to PC 8-16-07

VILLAGE OF SOUTH RUSSELL
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PLANNING COMMISSION
AUGUST 16, 2007
7:30 P.M.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Ike Tripp, Janice DiMichele**
   OTHER OFFICIALS: **Laura Heilman, Building Dept. David Ondrey, Solicitor, Ned Foley, Engineer**
   ABSENT: **Mayor Matt Brett, John Dishong**
   GUESTS: **Kyle Drefuss-Wells, Chagrin River Watershed Partners, Inc. (CRWP)**

2. MINUTES: JULY 19, 2007 **amended & approved**

3. AGENDA:

1. Review the Gate Mills Conservation Development Code; amend it to meet South Russell's needs i.e. water issues in the northeast quadrant of the Village.

Pp. 1 of the Gates Mills Conservation Development District: 1160.01 PURPOSES & OBJECTIVES (c) "maintain the established one dwelling unit per five-acre density (or previously established density if different from current requirements) of the Village;" not applicable to South Russell. Kyle, "You have 2 & 3 & the ground water. We would put, 'maintain the established density as permitted by zoning.'"

Offer an incentive to develop under CD? Kyle, "Just one of the incentives was that the minimum parcel size would be 25 acres. To utilize the code, you'd have to work with a neighboring property owner. Now, considering the sensitivity to increase in density, the ability to develop in this alternative way is in & of itself an incentive. You'll have a hard time getting this passed if it gets out that you can get a density bonus. If we lead with density bonus that could be a problem."

Ondrey, "What is the incentive? You're saying the incentive is just to be able to develop like this. That's because the developer would perceive it as I can get a more attractive sellable development." Kyle, "Exactly. Now in the NE quadrant, my option is long road with these (points to something) on it. Under CD, you establish an envelope & he (developer) can do what he wants inside the envelope. I can avoid

streams, wetlands. I can put septics & wells where they make sense. The road will be shorter. Storm water infrastructure will be less. I can have a couple big houses & I can have some small houses. I can have a development product."

Foley, "How is Conservation District different or better then a typical cluster development or an overlay zone? Why can't you affect the same result?" Kyle, "This is set up where folks apply to be in the CD district after you see the preliminary development plan that you are comfortable with. You can do it as an overlay. It's essentially the same idea. An overlay hangs like a cloud. The real thing that's different is the 40% or the 50% open space requirement. You have to have 25 acres, so you are forced to consolidate."

Foley, "In order to get approved on an overlay zone approach, you have to have these criteria. It's really a matter of the end results more then a means to get there." Kyle, "This is a way two Villages, Gates Mills & Hunting Valley, have decided to go forward. What you want to do is set up a system where an interested developer has a long discussion with Ned to talk about what his actual yield would be under traditional development. Then talk about how he is going to arrange that. That's the key. If you want to do an overlay, a PUD, CD; whatever you're used to working with is fine."

Foley, "I don't think any of those mechanisms are in place here. There are subdivision regs." Ondrey, "Right. We don't have any of those alternatives. I think to some extent, they are name changes. What Concord Township might call a cluster home development is similar to this labeled CD." Kyle, "Concord does give a big density bonus. It's been very controversial."

Ondrey, "Kensington Green was very much this because the developer came & said, I don't want to develop it in the classic way. Here's my unusual plan & it was negotiated. I don't think he got a density bonus. He got to lay it out." Sutliff, "He got smaller lots & larger common area." Chagrin Lakes: each lot ¾ of an acre, ¼ acre of what was supposed to be one acre lots was contributed to the common ground, which became a rec area. Kyle, "That was the first generation. Now we're in the second generation. The developers have brought it to the Village. They have been incentivized to begin with."

Sutliff, "If you're a landowner on the eastern end of the Village & you want to sell your property & develop, why would you go through all this hassle to try to talk your neighbors into buying property? What makes us think we won't see more of the types of developments that we've seen here in the last 2 years; long bowling alley lots with a street down one side?" Foley, "It's purely economics. The reason why they didn't go ahead is because they are not economically feasible. Numbers drive what people want to do. Those kinds of developments very seldom have economic benefit. If you can't make money, why are you going to do it? I think it's because of the amount of improvements per building unit you have to put in. If you can get a cluster approach or higher density, then the economics become in favor of developing. If you're going to deal with them strictly on a subdivision level, I don't

think you'll find those who think it's economically feasible. Usually economics will stop that kind of development."

Heilman, "Someone on the eastern end of the Village owns 10 acres. They could under CD try to get together with other property owners & develop it & have a major subdivision. Five houses or less is considered a minor subdivision. This person wants to split up his property to give to his kid to build a house. I'm seeing this kind of thing going on. These people aren't organized to get 25 acres together. We're seeing mostly one or two lots being split off." Kyle, "That would be fine. That is minimal impact in that area if folks want to do that. Part of the reason folks haven't combined is that there is nothing to combine to. This code would offer that product to the people who could combine."

Heilman, "Some of the major landowners out there, they are trying to buy up more of the land, but not necessarily to develop. They first want to own the land. With this spotty development with a house here & a house there, I don't know how they are going to be able to combine it." Kyle, "They'll tear the house down." Heilman, "If they have a ½ a million dollar house, they aren't going to tear it down."

Ondrey, "That goes back to Janice's point. Do we really have a problem? Are we trying to solve something that isn't…" Tripp, "But it gets back to the point we talked about. That is, the concept of a CD. We set minimum parcel size. It's the whole district. If they want to develop it, they have to get together to make it that big. We can't have six more bowling alley lots coming in & asking for six lots on it." DiMichele, "If they meet the criteria, they can do that. " Sutliff, "They will do that." Tripp, "Not if we pass a CD in that area; they won't be able to." PC disagrees. CD & traditional development are options.

Ondrey, "What is the harm of reducing from 25 acres to 10 acres?" Kyle, "It doesn't go to your issue of trying to incentivize combinations. It would probably encourage not combining. You don't get quality open space. You'll get a little 5 acre chunk here. The idea is people combine & end up with 10 or 15 acres of open space. There's a couple ways to incentivize this: (1). You can switch around so traditional development becomes the harder option to do then CD. Bath Township has made CD the bi-right ability & traditional development conditional use in certain areas of the township. (2). You can give a density bonus. That's a clear incentive. I don't have a problem with a density bonus. You cut somebody down to an envelope; have 40-50% open space & minimize impervious cover. As far as I'm concerned, they can do whatever they want in that envelope. I'm not sure politically if it's going to go. If you don't think practically it's going to have an effect, then we should draft a code folks are going to use."

Kyle, "The water would always drive your yield plan. That's your key. You don't get any units in a CD that you wouldn't get traditionally. The discussion we had with Dr. Eckstein is that the water will determine how many units you're going to get; however you develop that parcel. That won't change. If I had 25 acres & I was

going to get 3 units traditional, in my CD, I'd still only get 3 units unless we do a density bonus. Then you could say, you can only get this bonus if you can substantiate water."

Kyle, "We could proceed with this concept of a slight density bump up. We have to figure out how to phrase that." Sutliff, "To make this fly, you're going to have to do it. I'm not necessarily in favor of it. As a developer, I can't see going through the effort to collect adjacent properties if I don't get a bonus for it." Ondrey, "The bonus is that they spend less on improvement costs." Foley, "Right. You can work around some of your sensitive areas. It makes it a lot easier to develop. I'm in favor of this kind of development. I'm not sure creating a zone for it is necessary. I think creating the rules to allow it to occur. And I don't think the area ought to be really small. I bought into the 25 acres. I am not sure if you shouldn't require them to have sanitary sewers. The benefit is: narrow roads. You don't need curbs. You can do some neat things to make it attractive." Tripp, "The PC gets more to say."

DiMichele, "After our conversation last month, because of wells & septic systems, I don't know if you can cluster the homes in one part of the lot. He (Dr. Eckstein) was talking about the wells for a house being far away & have it piped in." Foley, "Have a common well; a common distribution system." Kyle, "The case study shows that the numbers do work out. Mr. Marotta (Hunting Valley CD developer) has a clustered waste water treatment system. It's much better for him then to do separate, individual, home sewage treatment systems. I believe he has well water as well. Those are the developer's issues to work out. I do agree there is an incentive built in to just have the flexibility."

Where did the 25 acres come from? Kyle, "In Hunting Valley, it's 30 acres. Twelve acres, 15 acres conserved is a meaningful piece of open space. In South Russell, there's a 22.4 acre lot. (Paul Snavely, 1617 Bell Rd.) 3.6 is the smallest. The average is 10 acres. 15 acres would encourage consolidation as well. But then you'd get down to a small piece of open space."

Sutliff, "25 acres & no incentive; I can't imagine anyone ever proposing a CD out there." Kyle, "We could talk to some members of the development community & we could run it by some folks. In general, CD has been promoted from the development side. Developers were the first ones to say we are sick of having to lay these things out like this. Chip Hess of Hess Engineering has been advocating for CD forever."

Gates Mills document can be confusing. Kyle, "The sections that are particularly confusing start on Pp. 7, 1160.07 APPLICATION REQUIREMENTS & PROCEDURES. It bounces back & forth between PC, ABR & when you actually have the approval. That's just the way Gates Mills decided to do this. You can structure this any way you want to. The only thing that matters is the developer works with the Village Engineer & the Building Department. (Dr. Eckstein? South Russell ABR?) Then he comes for some sort of preliminary approval either to get the overlay or to get into the district. He has an approved development plan. He takes it back to work it out & comes back for another approval."

Gates Mills document: Pp. 5 (d) Maximum Impervious Cover. "The maximum impervious cover for a single-family dwelling shall be 12%." 12% of what? Kyle, "This is 12% of a single family lot that has been established in the development plan. Chris Courtney from Gates Mills wanted to have these extra provisions on impervious cover. This is unique to Gates Mills." Sutliff, "Shouldn't it say that instead of 12%?" Kyle, "Hunting Valley doesn't have this. It has an overall 10% limit on the whole development, which is much easier to understand." Sutliff, "That makes sense."

Ondrey, "Before we focus on writing it properly, we have to get a consensus from PC. Are you ready to embrace this concept & now you want a nicely crafted piece of legislation modeled on something like this? Is the PC ready to make that recommendation for a zoning change?"

NO ACTION. For next meeting: continue to review Gates Mills CD District code; will discuss at next meeting

2. **ORDINANCE AMENDING SECTION 4.01(b) OF THE ZONING CODE BY ESTABLISHING LIMITATIONS ON OUTDOOR STORAGE OR PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS.**

Ondrey, "This came through Council at the Mayor's urging. Council member, Jim Flaiz, did research on his own. This is modeled after Wauseon, Ohio. It needed to start here. Council thinks it needs to be addressed. There are some properties in the Village where homes have 6, 7, 8 cars in their front yard."

Sutliff, "Back yard, it's ok." Ondrey, "Matt Brett & Jim Flaiz realize in this day & age, families might have 5 or 6 cars. They don't want to prohibit them from having them. They want to figure out a way aesthetically it would be…" Sutliff, "Motor homes etc. are acceptable as long as they are in the backyard." Ondrey, "The Building Department is already dealing with these items. An anomaly in the zoning code, they are called structures." Heilman, "They are technically called structures, even though they are on wheels. They have to be parked behind the front wall of the house." Tripp, "RV's are structures?" Heilman refers to the definition from the zoning code: Pp. 15 Definitions #114, "That which is constructed on or under the ground including, but not limited to: buildings, barriers, bridges… or any manmade products set on or under the ground. A structure shall include: trailers & other vehicles whether on wheels or other supports." Ondrey, "When I learned that, I said let's throw it into here." (the new ordinance)

Sutliff, "Our present zoning permits those in the front yard." Ondrey, "Does not. Wauseon's language included motor homes."

Tripp, "There is one instance where someone has constructed a garage specifically for an RV. The rules of the HOA said they couldn't have the RV in the side yard. So, they had to put up the garage. We can't depend on the HOA, so I think it proper that you include it here. Bi-laws from Bramble Farm, Chagrin Lakes, Kensington

Green address a variety of things that are forbidden. We have those as a model to consult for the next meeting."

Questions about the ordinance: SECTION 1 (A) "In such districts, vehicles, up to a maximum of _____, may be stored or parked outdoors for more…" Sutliff, "Is that feet? Say up to a maximum of 40 feet?" Ondrey, "No. That's the number of vehicles. I was thinking you may want to put a limit on the number of cars in the backyard on the hard surface parking. We don't want somebody with 20 vehicles, even if they have hard surface in the backyard. They can have 5. Wauseon did not have a maximum. **No decision on this.**

SECTION 1. (A): Change from "The outdoor storage of parking of vehicles" to "The outdoor storage **or** parking of vehicles".

(C) VIOLATION WHERE COMPLIANCE IS BEING PURPOSEFULLY AVOIDED: "avoid compliance … by temporarily removing a vehicle(s) from the front yard area for a **brief interval.** Question: What is a brief interval? Ondrey, "To me that is one of the concerns about the ordinance. Game playing could occur with it. Apparently, it's not happening in Wauseon." Tripp recommends removing **brief interval** & insert, **for a period not less then 48 hours in any 30 day period.**

Heilman refers to the number of cars on her property. Her driveway is such that she can put the cars behind the front wall of the house. Heilman, "If I did not have that, when my daughter is away at college nine months of the year, I've got a car sitting in my front yard on my driveway. So, do I have to switch vehicles; drive it to work so it's not out there for 48 consecutive hours? I've got a feeling you're going to find this all over the place. Even if you have a three car garage & you've got four cars, you don't have some place to put it. What do you want people to do? Rent a storage unit for a car?"

Ondrey, "Is it fair to ask the neighbor to be constantly looking in the front yard to a parking lot? I think it's a legitimate aesthetic issue." **No consensus.**

South Russell has an ordinance that cars have to be operable & have current license plates. Sutliff, "So these problem lots, the vehicles don't fall under that? They are operable cars? Parked there for…" Heilman, "Months & months & months. Years." Sutliff, "Do they drive them?" Heilman, " No. They just sit there."

Time limit: Ondrey, "Remember what we did with the sign ordinance. Recognizing that businesses would have signs, we created a time limit. They had two years for the signs to conform. The courts say that's ok. You're giving people opportunity. There is an argument to be made while this is zoning & maybe they've got a prior nonconforming use because they've already been parking there. I don't think anyone will spend the money to fight that issue. I didn't want to complicate it by putting a time limit. It's not full proof."

Chesterland has proposed this type of legislation to get cars out of the front yards. They had a Public Hearing; 50–100 people attended protesting.

Deferred discussion to the next meeting: # of issues i.e. People will say this will create a hardship.

4. OLD BUSINESS:

Heilman reported that Craig Cawrse, 547 East Washington St., is getting started on his project; new building. One condition for approval was that it is to be completed by June 2008.

5. NEW BUSINESS:

Next meeting should be on 9-20-07. Wally & Ike are not available. The next meeting will be Thursday, September 27, 07 at 7:30 p.m.

There was no further business. The meeting adjourned at 8:29 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

VILLAGE OF SOUTH RUSSELL
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PLANNING COMMISSIION
SEPTEMBER 27, 2007
7:30 P.M.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, John Dishong**
   OTHER OFFICIALS: **David Hocevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer**
   ABSENT: **Ike Tripp**
   Guests: **none**
2. MINUTES: 8-16-2007 **approved as presented**

3. AGENDA:

1. **Review the Gates Mills Conservation Development Code; amend it to meet South Russell's needs i.e. water in the northeast quadrant of the Village.**

Ondrey reported that the Village does have provisions to put in a flexible cluster development. (Chapter 4, zoning code) It's the RN-1 District, Kensington & the R-2 District, which has envelope lots & spur roads: Emerald Lakes. Both have similarities to CD (Conservation Development.) Consider: rather then start from scratch, the Village can use these with changes. RN-1 has a 100 acre minimum. That would have to be changed. The other one (envelope lots/spur roads) is a 50 acre minimum. That would have to be changed if PC wants to use these provisions.

History: Sid Simon won litigation against South Russell over how the subdivision regulations had been adopted. There was a technical deficiency; got the courts to throw them out. South Russell scrambled to impose regulations. Sid Simon negotiated a new zoning type to maximize what he could get out of the property. South Russell permitted envelope lots, which allowed so many feet outside the structure of the house as long as they matched up an acre & common ground. Spur roads were allowed off a dedicated/public road. Spur roads are short, small private roads; equate them to driveways. South Russell does not maintain them nor plow them.

Sid Simon was allowed to put in a unique – for South Russell – kind of development & cluster the homes in a way that accomplished a lot of the same things CD is intended to do.

Brett, "The Village did it in a reactive way as opposed to a proactive approach. There are a lot of positives with the end result. There are things that aren't positive. This is the time to work through these items."

Brett, "Before we review Gates Mills, Conservation Development, is this something we really want to have? If we do nothing, we'll have more of the previous proposals & residents have said that they don't want that. We don't have anything to stop it. Even if we adopt CD, someone could still present a proposal with the road on one side." Sutliff, "Which most likely would happen. I think we'll see more of that before we see homeowners say let's get together, combine our property & make 30 acres."

Brett, I'm not comfortable saying, let's see what happens & let's not try to put something together. I don't want to encourage development nor prohibit development. If & when it's going to occur, I'd like to back something that gives the Village some flexibility & makes it more attractive as opposed to something down the property line."

DiMichele, "Would we do that by establishing another residential district instead of 100 acres or 50 acres, maybe 25 acres?" Ondrey, "That's one way. Look at what we have & perhaps lower the minimum acreage. Or rezone an area of the Village that you're talking about to fit that. We have to decide. Are we going to just rezone that Northeast quadrant so this type of zoning goes into place? Or are we thinking about adopting something like this that could go into any single family residential zone in the Village as long as they have 25 acres & they want to go through the process?"

DiMichele, "Why can't 2 or 3 houses on Bell be bought up & do the same thing?" Ondrey, "Exactly. If we are going to go with CD, do you want to limit it to the North East quadrant or make it available to any single family district with X amount acreage in the Village?"

How different is our existing zoning from Gates Mills CD? Ondrey, "Gates Mills is upfront about their effort to preserve & conserve environmentally sensitive areas, to prevent erosion. That isn't addressed in our zoning. Our legislation says if you want a more flexible development, here's a way you could do it. It doesn't focus on conservation of natural resources & property. Our open space is 25%. Gates Mills is 50%."

Ondrey, "Gates Mills is a more detailed, step by step process of how someone gets approved. It's a more expensive process for the developer up front. The developer has to spend a ton of money in plans, detailed studies, not knowing if he is going to get the zoning change. Gates Mills does have a preliminary process where a person comes in to get a sense of their reaction. But, there is no approval/disapproval. We have something similar to that. Once he starts to make his application, it looks to me that he's spending a lot of money (in Gates Mills). Is it too big an obstacle for developers?"

Hocevar, "They have a different concept as far as numbers. They want 30 acres, 5 acres density, one house. They have 1,000 square foot minimum accessory structures; no bigger then 4,000 square feet. They are talking about 5 acre gentlemen's farms

compared to what we talk about. The ideas are there. The numbers have to change drastically."

Hocevar, "If you want to put it under R-1-C zoning like we have private clusters in R-2 zoning, I don't know if you want to rezone the North East quadrant because there are a couple parcels on the south side with 20 acre lots. Maybe you want to take the R-1-C zoning, put that as an amendment like we did for R-2, which is private clusters. Gates Mills is big land: 5 acres, big houses - 6,000 square feet."

Brett asked Hocevar to prepare a comparison of Gates Mills CD to what South Russell currently has for private clusters & residential neighborhoods; 25-35 acre ball park.

Hocevar, "I think David (Ondrey) is on the right track with the R-2 zoning with private clusters. We could make some minor changes that would fit down there. We have: go to the engineer, PC approval, density, the square footage of the house, lot coverage. I don't think we have to rezone a district. We could just put something in there." Brett, "We're making concessions & getting the control over general setbacks & have buffers."

Planning Commission's most recent zoning amendment: did not impose minimal distance on either side of the road, did address flag lots, talked about 75' going to the building line, which is 130', 150', didn't specifically impose anything that would stop the previous proposals i.e. road down one side. Question of 400' requirement, the conclusion was it is not defensible.

DiMichele wonders if one property owner who owns a bowling alley lot presents a cluster development, would PC consider it. Brett, "It depends on the proposal. I'd consider it." Ondrey had asked Kyle, "Why not 10 acres?" The answer was, more acreage requirement will provide an incentive to combine."

Foley's reaction: "I favor cluster development for a lot of reasons. I don't particularly like this (CD). I favor an overlay approach. This (CD) is amateurish. The ability to allow some unique development on parcels due to topography or size makes sense. Factors you need to establish: minimum acreage, what zoning districts would you allow it in."

Foley, "The beauty of that kind of development is it's all in your hands to cut the deal. Criteria is negotiated. It's usually very expensive for developers to be at risk for a long time for unknown factors. Having the ability to allow some development, cluster the houses is a good thing. I don't have a negative to what you are calling the envelope lots. This kind of development, you end up with a parcel for the size of the unit. There isn't a need to have bigger parcels. I favor where you are going. You have some capability where you are at. You need to establish some rules under which you would allow this kind of development. The rules don't have to be a long list. You've got regulations in terms of roadways that you can apply. You can compromise. You don't need a 24' roadway with curbs. There are economic advantages there. Reading through this, (Gates Mills CD) I didn't like the way this was done. Being able to do this, (tonight's discussion) is a good thing."

Foley, "I think you ought to seriously look at mandating sewers & I don't think you necessarily want to compromise the density. Hold fast on the density. Cluster them. Units per acre, that's the issue. You can take advantage of putting together more open space. I don't know that you have to give up density. You configure it such that they can make money out of it & you protect what you want to protect, which is the character of the land in the community. There are ways to get there that are not as convoluted as this." (Gates Mills CD)

Foley, "You're heading down the right track to allow somebody to do that without creating a whole new set of separate regulations. There are not that many issues: minimum size, zoning classifications that you would allow in, perhaps some limits on what you would give up i.e. roadways. You're not going to make the sewers smaller."

DiMichele, "We've got bowling alley lots that now they could put a road down the side & 5 houses. We don't like that. If they meet the parameters, then we tell them, if you'd like you can cluster them upfront & make it pretty. But, we don't give them that option of clustering upfront until we know that they can do it. If we don't tell them they can cluster them, there's a chance that they might not be able to do it. I don't want to open the window that's going to let them do it on a lot where they couldn't do it without that."

Hocevar, "A developer will make more money in this type of a district zoned out there then he would doing a bowling alley lot, like what was presented to us. A developer would say, I could buy lot A & lot B; 20 acres. I could put beautiful homes out there & make money."

Brett, "For a developer, now we don't have an option. They are going to put whatever they can. If we did have some options: #1. They'll look at these options & see if they are compelling enough to do it. # 2. It sends the message that there are options A & B. You can do a project that's more pleasing to the Village & something that you can make money doing. The way not to have a bowling alley lot with the street down the side is to incentivise that there is another idea out there. Developers get hung up if they have to challenge zoning. That costs time & money.

Foley, "On a bowling alley lot, you'd be better allowing them to consolidate 5 or 6 homes. You won't end up with a 400' road. The character of those homes will be a lot more pleasing. It may not be a negative to the adjacent property owner depending on how they configure it. Size & shape will dictate a lot. If you get down to a 10 acre parcel, I don't know if that's too small."

For the next meeting: Hocevar to prepare the comparison between Gates Mills CD & South Russell's current code: R-2 residential multi-family i.e. cluster & RN-1, 100 acre residential neighborhood zone. PC to review Chapter 4 of the zoning code.

2. ORDINANCE AMENDING SECTION 4.01(b) OF THE ZONING CODE BY ESTABLISHING LIMITATIONS ON OUTDOOR STORAGE OR PARKING 0F VEHICLES IN RESIDENTIAL DISTRICTS.

Brett, "Spots exist in the Village where vehicles parked a long time is an issue. Currently, we have an ordinance that the vehicle needs to be licensed & operational. That doesn't resolve the issue."

Brett, Objective: "If multiple cars are just not going to move & they increase, it's not pleasing to the neighbors, effects home values & ability to market homes. There's a home in the Village that has been on the market for 2½ years. We want something easily enforceable by our Building Commissioner."

DiMichele, "If we pass something, are these cars that are there, going to be grandfathered?" Ondrey, "I think the problem is if someone can demonstrate that they've spent money to construct a parking area in the front yard & now you are prohibiting them from using it. The way we solved that problem with signs, when we substantially changed the sign ordinance, is that we built in a period of time where people had 2 years to comply. The courts have said that's ok because people can depreciate their investment. Someone might challenge it on that basis. The solution is a time limit before this could be enforced. For new houses, you could do that. There would be some grandfathering that would last a couple of years."

Ondrey, "I created it as a zoning amendment because it deals with the use of land. The other thing you could do - & then PC would step out of the process altogether - it doesn't have to be in the zoning ordinance. It is also kind of a health & safety issue. Property maintenance things we have are not zoning ordinances. Those are in our regular codified ordinances. Maybe not dealing at all with this as a zoning piece, but as a regulation, it could be justified on the basis that it's a nuisance situation. Police enforce it."

Brett, "Assume you could have 3 cars in the front yard that never move & if there is a garage, you could have 2 cars in the garage. Any thing above three, say five cars parked next to me that never move. How would I feel about that?" DiMichele, "I wouldn't be very happy if I lived in South Russell 20 years, had 5 cars that didn't move lined up on my driveway & was told to move them."

Hocevar, "We still have the licensed & operating vehicle thing. The cars have to be on the hard surface. You'll limit a lot with this ordinance. There are a handful of places in the Village where this can occur. You could pull the cars in the back of the garage, i.e. where you live Wally. That's fine. We're talking about front yard setback." Sutliff, "Take the house in Bellwood; he has no parking beyond the building line. The only parking he has is in the front." Hocevar, "But you're still giving him the option of a couple of cars." Brett, "That's not in the language in this draft; the ability to have two or three cars that wouldn't have to be moved within a 48 hour period, that are just stored on the property."

Ondrey to Hocevar, "Are you thinking this is a good ordinance? Or it's overkill?" Hocevar, "I think it's a lot better then having nothing. We have a couple issues in the Village & this will take care of the issues we've got." Sutliff, "As long as we don't have a 2-year waiting period." Hocevar, "If we're going with the police regulation…" Sutliff, "I agree with Janice. If you take this to the fellow on Bellwood & tell him he's got to move his cars out, we may have a problem with that. How do you address the waiting period?" Ondrey, "Two years is what we did for signage. Maybe a year would do it. There's got to be a period of time for people to have the ability to comply & we minimize a challenge to it on the grandfather provision." Discussion

Brett, "It gives us some control. I recommend: 'vehicles, up to a maximum of three, may be stored or parked outdoors.' It also reads if there is an exception or extenuating circumstances, the Building Commissioner has the ability to make these exceptions."

Brett, "This includes other things: airplanes, rafts, snowmobiles, all terrain vehicles, trailers motorized homes etc. People might put these in their front yard. If we don't have something that says you can't do that, it can cause a problem." Ondrey, "Some of those things are defined now as structures."

Chester considered similar legislation. Hocevar, "They got beat up bad by the prosecutor: unprepared, no background behind it."

Ondrey will study grand father/time limits for the next meeting. Questions: Do we want to leave 48 hours in? Or you can have 2 cars as long as you want as long as they are within the ordinance (licensed & operational). Do we want to put a maximum amount that you can store in the backyard? You might have equal objection from neighbors who say they've got 10 cars in their backyard.

4. OLD BUSINESS:

Brett reported that the Village has held 2 informational meetings to date to discuss septic systems/sewers from Bellwood going east to Snyder Road. Next one will be held 10-11-07. There will be an opinion poll in November. Currently, no sense of which is favored. Council to use the information & try to follow the wishes of the residents. There are 1 or 2 communities that want to switch to sewers.

Part of what prompted this is the septic systems that resemble bunkers out near the road. In January 2007, new septic system regulations went into effect. We wouldn't have seen anymore bunker style septic systems. Those regs. were repealed July 2007 & now the concrete bunkers are back.

Hocevar: Craig Cawrse, (547 East Washington St.) is building an office building next door to the original building. Plans have been submitted to the engineer. He appeared before PC for preliminary development review & ZBA. Hocevar asked if PC expects Cawrse to return with final documents. Ondrey, "If he's submitting what has been approved, I don't see why it would have to come back here." PC agrees. Cawrse won't return to PC.

5. NEW BUSINESS:

Hocevar: PODS, portable storage containers; the Village considers them accessory structures. Now there's one in the Village. If it is considered a structure, we can do that. A down side is, if it fits into the parameters of our zoning, it can sit there forever. Do you want to look into that? If we say it's a structure & he has to comply with zoning, maybe he'll put it in the backyard. Brett, "Five years ago, they didn't exist. If someone were to do remodeling, they might obtain one for a short period of time. I don't think it should be an indefinite period of time. There should be a permitting process & only for a short period of time. **Ondrey will look into this & see if other communities have already addressed it.**

Next meeting should be 10-18-07. Wally is not available. The next meeting will be Wednesday, October 24, 2007 at 7:30 p.m.

There was no further business. The meeting adjourned at 8:55 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

for PC, e-mail from Matt Brett 7-20-07

review by PC 8-16-07 9-27-07

ORDINANCE NO.: 2007-

INTRODUCED BY: _____

PLANNING COMMISSION _____
PUBLIC HEARING _____
FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 4.01(b) OF THE ZONING CODE BY ESTABLISHING LIMITATIONS ON OUTDOOR STORAGE OR PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS.

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

SECTION 1. (A) OUTDOOR STORAGE OR PARKING OF VEHICLES LONGER THAN 48 HOURS IN FRONT YARDS PROHIBITED: The outdoor storage of parking of vehicles for more than 48 consecutive hours shall be prohibited in each lot's front yard area, including any driveways therein, between the front lot line and front yard setback line in all lots located in residential districts. In such districts, vehicles, up to a maximum of _____, may be stored or parked outdoors for more than 48 consecutive hours only on hard surface parking areas located behind the front yard setback line, provided such storage or parking does not violate any other provision of the Zoning Code and provided such vehicle(s) comply with all other applicable provisions of the Codified Ordinance of the Village. For purposes of this Ordinance, vehicles include but are not limited to automobiles, airplanes, antique racing automobiles, antique automobiles, floats, boats, rafts, snowmobiles, all terrain vehicles, trailers, camping or travel trailers, motorized homes, demountable travel equipment or the type adaptable to light-duty trucks and other equipment or vehicles of similar nature.

(B) EXCEPTION: Vehicles may be stored or parked outdoors in the front yard area for more than 48 consecutive hours, for a period not to exceed 30 days, when the occupant of the property can demonstrate either a bona fide emergency, a vacation away from the premises, or some other necessary extended absence from the property by the occupant. The extension shall not unreasonably exceed the time necessary in light of the reason for the extension. Extensions of storage and parking of vehicles beyond 30 days may only be permitted after written request to the Zoning Inspector and upon good cause shown, such as medical considerations.

(C) VIOLATION WHERE COMPLIANCE IS BEING PURPOSEFULLY AVOIDED: Whenever, in the opinion of the Zoning Inspector, an occupant of a lot in a residential district has regularly attempted to avoid compliance with these restrictions on outdoor storage or parking of vehicles by temporarily removing a vehicle(s) from the front yard area for a brief interval(s) and then promptly returning such vehicle(s) to the front yard, the Zoning Inspector may treat such vehicle(s) as if stored or parked outdoors in violation of this Ordinance.

SECTION 2. 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 3. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2007-_____ was duly enacted on the _____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

January 11, 2008

To: PC
From: Maggie Tomaro

Greetings! Happy New Year!

The next PC meeting is set for Thursday, January 17, 2008 at 7:30 P.M. There is one item on the agenda: continue to discuss Conservation Development Districts.

Enclosed is a copy of the minutes from the last PC meeting on November 15, 2007.

Please call me if you are unable to attend. (440)338-1807. Thanks.

Maggie Tomaro

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
NOVEMBER 15, 2007
7:30 p.m.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele**
   OTHER OFFICIALS: **David Hocevar, Building Inspector, David Ondrey, Solicitor, Ned Foley, Engineer**
   ABSENT: **Ike Tripp, John Dishong**

2. MINUTES: 9-27-2007 **approved as presented**

3. AGENDA:

(1). COMPARE GATES MILLS CONSERVATION DEVELOPMENT TO SOUTH RUSSELL'S ESTABLISHED PROVISIONS: CHAPTER 4 OF THE ZONING CODE; PRIVATE CLUSTERS, R-2 & RESIDENTIAL NEIGHBORHOOD, RN-1

COMPARISON CHART: CONSERVATION DISTRICT (Gates Mills), & South Russell's zoning districts: R-2 PRIVATE CLUSTER i.e. Emerald Lakes II & RN-1 RESIDENTIAL NEIGHBORHOOD i.e. Kensington Green
Zoning Code, Revised 7-2003: Chapter 4, pp. 25- pp. 47

Hocevar compared: minimum acreage, density, lot coverage, front set-back, side yard, rear yard, minimum sq. ft., accessory structures

R-2 Private Cluster, Emerald Lakes II: Some of the houses sit on ½ acre lots. The common area, the wetlands is set aside to equal an acre.

RN-1 Residential Neighborhood, Kensington Green: Density is 1.25 acres. Lots range from ¾ to one acre lots. Property is set aside for common area.

Gates Mills density is 5 acres. South Russell will use the density that is already established. The North East quadrant is a combination of 2, 3, 4 acres depending on water.

Sutliff wondered if Conservation District makes sense for the Village. Hocevar, "It does make sense. We don't have to go with these parameters (GM). We could make them whatever we want. If you want to make density 2½ acres- that's without the overlay of the water district out there – that's good."

Ondrey, "We already had something in place that was similar to the Gates Mills stuff. Gates Mills is bureaucratic; a lot of steps. It's complex. Our system doesn't seem complex. Maybe we don't have to reinvent the wheel."

Sutliff asks if the NE quadrant would be set up as a new zoning district. Or would we use Residential Neighborhood? Ondrey, "If you want to impose Conservation District Development Zoning, do you want to make it available in any residential district as long as they meet the minimum acreage requirement? Or do you want to zone a specific quadrant that way?"

Sutliff, "We want to allow some flexibility out there." Hocevar, "We keep our R-1-C district like it is. Chapter 4 of the zoning code, we have parenthesis. Underneath those, we put Conservation District. If the developer decides to go with this (CD), we work with him; give a little leeway. If he decides to not go with CD, he has to comply with our R-1-C district."

Brett, "As you read Chapter 4, a lot of what we are talking about for CD is here. Pp.39 (h) Residential Neighborhood Developments. 'In order to encourage flexibility in design, greater utilization of open space and to preserve the remaining green areas & open areas of the Village and to promote the development of large common areas for recreation & green areas…' Brett, "That's not specific to any given area. That's for the Village. What we're talking about with this CD seems like one more step that follows along with the Residential Neighborhood & Private Cluster that's already structured. It feels to me that we would make it for the entire Village.

Hocevar, "They are two different zoned districts: R-2 Private Cluster and RN-1 Residential Neighborhood." (referring to charts in Chapter four, Pps. 32.33,34) Hocevar, "If we took RN-1 and we took R-1-C and put CD below it, then refer to it as a different thing. I don't know if I agree with putting CD throughout the whole Village."

Hocevar, "What's the harm in putting CD into our zoning? Take our minimum acreage & break it down. Put something together that's going to fit that area. We did it with private cluster. We don't have to follow these parameters. We could do 25 acres or 30 acres for private cluster."

Brett doesn't like design of Emerald Lakes II. PC comment about Emerald Lakes II. Hocevar suggests staying away from R-2 private cluster development in the NE quadrant. One reason: no sewers. Hocevar, "It's hard to do an R-2 district down there. If we have CD, we give them an option. If you don't want this R-1-C district, here's an option for you."

Sutliff, "You're suggesting it's a separate zoning classification." Hocevar, "I think that's the best idea. I think we give them the option to do that. Brett, "Are you in favor of something like the Gates Mills language?" Hocevar, "I am under an R-C district. Like the parenthesis on Pp. 32, those give options as to what you can do with that piece of property. Residential Neighborhood, RN-1, you can't do anything with that. In Emerald Lakes II, R-2, they had options: multi family, apartment buildings. I don't think we want to do anything like that. I agree with the Mayor. We want to

anything like that. I agree with the Mayor. We want to stay away from private cluster. Residential Neighborhood is not going to fit into anything down there."

Question: Can something like a Manor Brook go out there? (NE quadrant) Hocevar, "It would be ok out there. BUT not under that zoning; R-2. Keep away from that multi-family stuff. Ondrey, "What you are saying is keep the density the same. Give them the option of clustering & reserving more open space, shorter roads & all that." Hocevar, "Exactly." Foley, "You are giving up the minimum lot size to allow you to take advantage of land features. It's clustered, but you're giving up that one acre minimum. There is no minimum. You want to keep the density the same."

Discussion about size: Brett thinks 10 acres is too small. Ondrey, "If we went to 10 acres minimum & had some flexibility, we might have been able to avert many of the complaints that those neighbors had. They didn't want a road down their boundary, didn't want houses on one side. We didn't want that. Now if you had set this up for 10 acres, you might have been able to get 5 or 6 homes there grouped together in a more acceptable fashion." Hocevar, "When they brought the plans in, they met every requirement we had in zoning. The flexibility would be, you keep your 2½ acres. We're going to put something aside for your common area. We're going to keep the same side yards. We're not going to bend this 25, 25, 50, 75 setback. It makes a big difference if we do that. We didn't do that in Emerald Lakes II. We didn't have a choice."

Brett, "The proposal that we heard last year was 22 acres. It would be worthwhile to take that specific lot, put some of these parameters to it. What would it look like? That's the issue. What has been presented over the last several years is not appealing. We don't want to promote development. We don't want to make it too restrictive. We want to give an alternative to have a better product."

Brett, "I like where we are going. I'm encouraged even more then before based on what we have in our zoning.

DiMichele, "Are we trying to walk this fine line to not encourage development? But, if we get into a situation where our existing rules wouldn't keep it from happening, then we have another option to have more control over it." Brett, "It's slightly different then that. We want to have another option for that area that isn't developed yet. If somebody is going to develop it, there are more appealing options for them & more appealing to the Village because they end up with something that is better then a road down the property line. They still have the option to do the same plan that they had before. We're not removing any existing zoning or adding to that."

DiMichele, "Is PC opening doors for development that if PC did nothing, it couldn't happen?" Brett, "Sure." Hocevar, "Yes." Brett, "We can't give greater flexibility to get a better product without doing that." DiMichele referred to the Public Hearings at Gurney School. DiMichele, "People in that neighborhood did not want development." Hocevar, "That type of development" (road down boundary line on one side of parcel. DiMichele, "That was one of the subjects that was very

heatedly discussed. They didn't want to encourage development in that part of the Village. It wasn't a particular plan. It was the overall concept. Now if we are proposing changes that are going to encourage development that is contrary to what they wanted."

Hocevar to DiMichele, "Big difference. We're controlling it. We're giving them the option & we're going to control it." Ondrey, "I think they did send the message; we don't want to change. The problem is they were also very unhappy with what was permitted under current zoning. I'm not sure how we satisfy some of the property owners because they don't like what was proposed, but would be allowed under our zoning."

DiMichele, "So far our current zoning has warded off everybody who has tried so far." Ondrey, "Only because they haven't solved the sewer/septic issue. Maybe we could ride that for decades. We don't know. The County Health Department is more & more creative & liberal on what they will allow for septic systems. I don't know if a developer wouldn't be able to cure that problem; put a road down the side like they didn't like, put 6 homes in there & they would have different septic systems then what we traditionally utilize. The dilemma: if we do nothing, something might get developed in there that is not aesthetically attractive. If we change it, you're right. It gives a developer a second option. It may make it more likely that some of those parcels get developed. They may get developed in a better way."

Ondrey, "I think what you've really got is, some property owners don't want anything developed there." Sutliff, "We don't want anything developed until it's time for me to move on & I want to sell my property."

Foley, "You could put in the criteria that Conservation Districts are required to be sewered."

Brett wonders if the numbers could be put together & then have a public hearing to present the options for development that's more pleasing to the Village. Sutliff, "You have to ask what housing products do we want today? Do we want one house on 2 acres? Is that the way we want to develop the rest of the Village? I don't think so. I hear complaints. People don't want 2 acres, don't want to take care of a big yard & big house. They want something like Manor Brook. I think those are the type of products that would be very nice." Hocevar, "Manor Brook has a lot of common area. It's a good deal. Nothing's wrong with it."

For the next meeting: Foley will prepare a CD mock up of a South Russell parcel in the NE quadrant: 30 acre parcel so PC can compare to Gates Mills CD; do common area, do the same amount of houses as we've seen in previous plans brought before PC, keep our density of 2½ acres, keep our setbacks. Hocevar will bring previous plans & PC can compare & contrast traditional development with CD. The CD in Gates Mills had 45% lot coverage. South Russell has 35% lot coverage. Stick with 35% lot coverage in the mock up. Additional details: do a mock up of Ploziak's 22 acres. Show PC what it might look like at 50% reserved for open space, 25% reserved for open space. Give PC an image of what is doable under different scenarios.

DiMichele, "Take the same 30 acres, & developers came to us with the traditional zoning that we have. Would they still be able to develop it?" Hocevar, "They could develop it, but they are not going to get the guidelines that we want to set. They are not going to get the parameters of CD. CD is going to have more leeway to build a better home."

DiMichele, "If somebody has 10 acres & they don't qualify for CD & the developer figured out a way to get the houses on one side with a long road down the side, could we give that developer another option? If you do this, make it pretty, you don't have to have as long of a street. Would it be to their advantage to do that? Do we have any leverage to make them look at other options?" Hocevar, "For the district to be cost effective, the developer has to buy another 10 acres." Sutliff to DiMichele, "That piece you're talking about, the option would have been to sacrifice our zoning. In other words, they'd be smaller lots. We didn't have an option."

Brett, "Let's say we move forward with CD & it is 25 acres. Then somebody does approach the Village with a 10 acre parcel & likes what the developer did with 25 acres. What could the Village do? Could PC take action to grant that?" Ondrey, "No. It would have to be rezoned. It's possible, but it wouldn't be an over night thing. It's always subject to referendum too."

Question: Does property have to be under one person's ownership if property is to be rezoned? Ondrey, "There would be no prohibition against property owners coming & saying, please rezone all of our properties."

Foley, "Why couldn't CD be an overlay on any zoning district? The issue here isn't the necessity of creating another district. It's to find a mechanism to allow some development that is beneficial to both sides. If you had CD with some parameters, what difference would it make if it were overlay on R-1-A? R-1-B? The ultimate density allowable would be covered by that & you wouldn't have to change the underlying zoning."

Foley, "Say you want to do a CD in a R-1-B. That's a 1½ acre lot. You've got density. We allow some configuration of how it is. It can be applied in that sense & not create a new district." Hocevar, "We're not creating a new district. We're going to keep the same district. But, we're giving them the option to go with the Conservation District. We could put it on all of them. Realistically, it's not going to happen in Residential Neighborhood or here. (points to something) R-1-C is the only one it's going to pertain to."

2). **ORDINANCE AMENDING SECTION 4.01 (b) OF THE ZONING CODE BY ESTABLISHING LIMITATIONS ON OUTDOOR STORAGE OR PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS**

Ondrey did research & looked for cases that dealt with prohibition of parking. He couldn't find any that prohibited parking in residential districts in the front yard or with time limits or number of vehicles permitted. He found cases that prohibit commercial vehicles from parking in residential areas.

Other issue: grandfathering. Unlike a sign, when you impose new sign ordinances, the old sign becomes worthless. These driveways don't become worthless. Ondrey is skeptical that someone can make an argument that they are financially out anything. This means maybe the Village is overly worried about the grandfathering.

Two options:

1). PC could propose it as a zoning ordinance & not worry about the grandfather provision; probably not run a risk that it would be invalid.

2). Refer to Council who will take it out of zoning; making it a regulatory issue under police power. It would be a new parking regulation that is put into the codified ordinances. Don't have to worry about grandfathering. Police power is broader then zoning power: health, safety, preserve property values, its aesthetics.

PC is referring this to Council to consider as a new parking regulation.
NO ACTION

(3). AT THE LAST MEETING, 9-27-07, PC STARTED TO DISCUSS PODS, PORTABLE STORAGE CONTAINERS. Ondrey will look into this & see if other communities have already addressed it
Ondrey will look into this for the next meeting; (January 17, 2008).

4. OLD BUSINESS: Craig Cawrse is all set to get a permit to build his commercial building on East Washington St.

5. NEW BUSINESS:

The Village had 3 meetings with residents on the east end of the Village to discuss sewers/septic systems. There was an opinion poll.

Results: Maple Hill: 70% in favor of sewers & a good turn out by its residents
Sunridge: 50% of the parcels voted; in favor of sewers

Lake Louis, Bell Rd. Champion, Paw Paw, Snyder, Silver Springs – favor septic systems

The regulations for septic systems that were put into effect January 1, 2007 have been repealed. A new requirement is that a new set of regulations have to be in place within two years; January 2009.

PC decided not to have a meeting in December 2007. The next meeting is scheduled for January 17, 2008 at 7:30 P.M. There was no further business. The meeting adjourned at 8:30 P.M.

Walter Sutliff, Chairman

Maggie Tomaro

Maggie Tomaro, secretary

COMPARISON CHART

	Dates mills CONSERVATION DISTRICT	Emerald Lake II p.40 zoning cat R-2 PRIVATE CLUSTER	RN-1 Kensington p38 RESIDENTIAL NEIGHBORHOOD
MINIMUM ACREAGE	30	50	100
DENSITY	5 ACRES	1 ACRE	1.25 ACRES
LOT COVERAGE	45%	35%	35%
FRONT SET-BACK	50 FT.	25 FT.	50 FT.
SIDE YARD	50 FT. BETWEEN STRUCTURES	25 FT. FROM EACH OTHER	10 FT. ONE SIDE/BOTH SIDES 25 FT. DISTANCE BETWEEN DWELLINGS 25 FT.
REAR YARD	50 FT. BETWEEN STRUCTURES	0/25 FT. FROM OTHER	35 FT.
MINIMUM SQ. FT.	NONE	2000/SINGLE STORY 2400/MULTI-STORY	2000/SINGLE STORY 2400/MULTI-STORY
ACCESSORY STRUCTURES	1000 SQ. FT. PER DWELLING	500 SQ. FT. PER ACRE	500 SQ. FT. PER ACRE

NOTE:
DEVELOPMENT OF STREETS, UTILITIES, ETC. ARE ADDRESSED IN SUBDIVISION REGULATIONS.

P.C. ~~8 a 9~~-07
~~8 a 9~~
11-15-07

The Village of South Russell

Resident Survey of Possible Sewer Installation

Results of Voting 11/1/07 & 11/8/07

	In Favor of Sewers		Against Sewers		No Opinion		Votes Cast	Votes Possible	% Turnout
	Number	%	Number	%	Number	%			
5 - Maple Hill	18	69.2%	7	26.9%	1	3.8%	26	40	65.0%
2 - Sun Ridge	11	68.8%	5	31.3%	0	0.0%	16	31	51.6%
3 - Lake Louise	8	28.6%	19	67.9%	1	3.6%	28	65	43.1%
1 - Bell Road	3	27.3%	8	72.7%	0	0.0%	11	25	44.0%
4 - Champion	2	22.2%	7	77.8%	0	0.0%	9	17	52.9%
7 - Paw Paw Lake	6	22.2%	21	77.8%	0	0.0%	27	45	60.0%
8 - Snyder Road	1	11.1%	8	88.9%	0	0.0%	9	17	52.9%
6 - Silver Springs	0	0.0%	12	92.3%	1	7.7%	13	19	68.4%
Community Total	49	35.3%	87	62.6%	3	2.2%	139	259	53.7%

November 13, 2007

11-15-07
referred parking issue
to Council. SO PC = NO ACTION

-for PC, e-mail from Matt
Brett 7-20-07
review at PC
8-16-07

ORDINANCE NO.: 2007-

INTRODUCED BY: _____

PLANNING COMMISSION _____
PUBLIC HEARING _____
FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 4.01(b) OF THE ZONING CODE BY ESTABLISHING LIMITATIONS ON OUTDOOR STORAGE OR PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS.

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

SECTION 1. (A) OUTDOOR STORAGE OR PARKING OF VEHICLES LONGER THAN 48 HOURS IN FRONT YARDS PROHIBITED: The outdoor storage of parking of vehicles for more than 48 consecutive hours shall be prohibited in each lot's front yard area, including any driveways therein, between the front lot line and front yard setback line in all lots located in residential districts. In such districts, vehicles, up to a maximum of _____, may be stored or parked outdoors for more than 48 consecutive hours only on hard surface parking areas located behind the front yard setback line, provided such storage or parking does not violate any other provision of the Zoning Code and provided such vehicle(s) comply with all other applicable provisions of the Codified Ordinance of the Village. For purposes of this Ordinance, vehicles include but are not limited to automobiles, airplanes, antique racing automobiles, antique automobiles, floats, boats, rafts, snowmobiles, all terrain vehicles, trailers, camping or travel trailers, motorized homes, demountable travel equipment or the type adaptable to light-duty trucks and other equipment or vehicles of similar nature.

(B) EXCEPTION: Vehicles may be stored or parked outdoors in the front yard area for more than 48 consecutive hours, for a period not to exceed 30 days, when the occupant of the property can demonstrate either a bona fide emergency, a vacation away from the premises, or some other necessary extended absence from the property by the occupant. The extension shall not unreasonably exceed the time necessary in light of the reason for the extension. Extensions of storage and parking of vehicles beyond 30 days may only be permitted after written request to the Zoning Inspector and upon good cause shown, such as medical considerations.

(C) VIOLATION WHERE COMPLIANCE IS BEING PURPOSEFULLY AVOIDED: Whenever, in the opinion of the Zoning Inspector, an occupant of a lot in a residential district has regularly attempted to avoid compliance with these restrictions on outdoor storage or parking of vehicles by temporarily removing a vehicle(s) from the front yard area for a brief interval(s) and then promptly returning such vehicle(s) to the front yard, the Zoning Inspector may treat such vehicle(s) as if stored or parked outdoors in violation of this Ordinance.

SECTION 2. 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 3. This Ordinance shall be effective at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2007-_____ was duly enacted on the _____ day of _____ 2007, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

Date: Friday, July 20, 2007 1:40 PM

From: Matt Brett <MBrett@sage-quest.com>

To: Ike Tripp <iketripp@etna.com>, peabodys@aol.com, johnedishong@att.com, wsutliff@boltonpratt.com

cc: mtomaro@adelphia.net, David Ondrey <DOndrey@dolan.law.pro>

Subject: Proposed language for Outdoor Parking

Planning Commission

Attached is the draft language for the proposed Outdoor Storage ordinance I referenced at last night planning commission meeting.

Please let me know if anyone has any questions or would like to discuss further.

I will send the other information presented by Kyle next week.

Thanks,

Matt

Matt Brett

Director of Customer Care

Sage-Quest

Office 888-837-7243 x229

Cell 216-701-0961

www.sage-quest.com

Outdoor storage-parking.doc

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
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FAX 440-338-8776

PLANNING COMMISSION
JANUARY 17, 2008
7:30 P.M.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Ike Tripp, Janice DiMichele, Jim Flaiz**
   OTHER OFFICIALS: **David Hocevar, Building Inspector, Jaredd Flynn, Solicitor, Ned Foley, Engineer**
   GUESTS: **Kyle Dreyfuss-Wells, Director, Chagrin River Watershed Partners, Inc. P.O. Box 229 Willoughby, Ohio 44096-0229 (440)975-3870**

2. MINUTES: 11-15-2007 **approved as presented**

3. AGENDA:

Council member John Dishong retired from PC. Council member Jim Flaiz is appointed to PC & attends first meeting tonight.

CONTINUE TO DISCUSS CONSERVATION DEVELOPMENT DISTRICTS, CDD

Handouts: (a). Foley: memorandum: Conservation Development District, CDD 4 pages & hand drawn displays, #1- #4
(b) Dreyfuss-Wells: Comparison of Traditional Subdivision Design with Conservation Development Design, CDD, 2 pages
(c) Dreyfuss-Wells: Parcel Information for NE quadrant, SR Village 1-2008 Geauga County Geographic Info. System, 1 page

Foley, Display #1 Ashleigh: 60 acres done conventionally, 19 lots zoned R-1D, 2.5 acre minimum lot size, quality development

Foley, Display #2 Ashleigh as Conservation District Overlay: same # of lots. "This is an example of the impact of overlay zoning on a tract that large. Consider rezoning it from R-1D to R-2. It's possible if you want higher density. Residential neighborhood doesn't fit because it doesn't meet the 100 acre minimum; not applicable. SR doesn't have another existing zoning that would enhance the quality of the product here. If SR had CD, a project of this magnitude would end up with a project like this on Display #2. I think 30 acres & 50% open space should be considered."

Foley's memorandum: pp. 3 Display #2; Tripp refers to last sentence. "This configuration would require public sanitary sewer service, but could possibly rely on private wells for water service." Tripp reminds PC that sewer vs. septic was an issue that was just voted on & most developments in the NE quadrant voted against sewers.

Foley, "What makes sense to me down there is if we had something of a cluster nature. I think having a public sewer system or a common not on-lot system because you're talking about small lots. Projects in this end could be sewer, pump station; pump west. The potential to sewer in new developments exists, but it would require pump stations to do it. As you reduce the size of the lots, you back into the need to have something of that nature; not a lot of on-site systems. Within the constraints of ground water, I don't think we're looking at any demand for a water system. We're working on the assumption, there is adequate ground water for wells. Having that overlay district would at least afford an option."

Sutliff, "If you put public sewers into that scheme, wouldn't the economics drive the developer away from that?" Foley, "I don't think so, not when you're talking about a house of this magnitude. I think there are complications with it in terms of how best to deal with it. In the end, by the time you factor putting in an on-site system, I don't think the economics of sewer vs. on site is going to change the dynamics of a million dollar home."

Brett, "These things aren't locked in. The concept of requiring public sanitary sewer service doesn't necessarily mean it's a public sewer line." Foley, "Correct." Brett, "It could be a group sanitary sewer." Foley, "Right. The practicality of 18 on-site systems in this case, on small lots is probably not possible." Sutliff asked if a plant would be in the open space. Foley, "Possibly."

Kyle, "Charlie Marotta's Hunting Valley CD has a clustered drip irrigation system. It's not in the protected open space. It's in the common area held by the condominium association. It's in open space, but not the protected open space in the conservation easement."

Foley refers to Polciak property; 21 acres. A plan had been submitted to PC. The plan was laid out in accordance with SR subdivision regulations: not attractive development, yield 8 lots. It was an attempt to develop a bowling strip under conventional zoning. This would have had on-site septic systems & wells, houses on one side of the street, have a dead side, not economical.

Display #3, Plociak property with CD overlay, 29-077300& 29-108151 Bell Rd.: alternative to previous submittal. Foley, "Taking that development & applying an application of 50% open space, reduced lot size, it's not totally different, but less street, less cost. Not a great development, but that's about all you can do with it. It demonstrated to me that a development of this size is not practical. This is too small. 20 acres is not a good criteria. You could rezone it to R-2 & get greater density. With CD, at least you shorten up the improvements."

Foley, "If the interest is really trying to inhibit poor development - & maybe even in the current subdivision regulations – look at the length of the cul-de-sac. Our current regulations allow a cul-de-sac to be 2,500 feet. One consideration is to reduce it to 1,500 feet. The potential of creating developments of this type is reduced. Take it down to 1,500 feet & people are less likely to come in & do this type of development."

Foley, "We've made decisions to implement the change to get rid of flag lot potential. This one factor might also be a very simple change to the regulations that might provide stronger controls over future development; not to say that things couldn't be changed by the ZBA." Hocevar, "Variances for subdivision regulations come to the PC, not ZBA. If PC rejects it, then it may go on to ZBA."

Foley, "If the requirement allows a shorter street, the development under current zoning in terms of lot size, you may get less lots. I don't think that generates a practical development plan. It's going to cause someone to say, I don't want to do that. I can't get a sufficient return." This change applies to public or private roads.

Kyle, "The concern is that someone would ask for a variance because they couldn't get a practical yield from the property. If you have CD as an option, that's part of the safety belt. They can combine in lieu of short cul-de-sac." Foley, "It's not a total fix. Cul-de-sac length is more a factor of utilities. The assumption is that there will be more (?) & more interconnecting."

Foley, Display #4 – Yield Plan: combining parcels on north side of Bell, 73 acres, could do a development like Ashleigh, there would be 31 lots, not any dedicated open space.

Foley, Next Display #4 – Multiple Parcel Property with CD overlay & incentives: same 73 acres as on the previous Display #4, 50% designated open space, smaller lots. Question; what is the incentive for a developer to want to combine lots & do CDD? Assume SR requirements are 30 acres minimum & 50% protected open space. The big question is, is there value to larger projects? Foley thinks there is.

Foley, "If you had a 30 acre minimum & someone came in with a 60 acre combined parcel, maybe there might be a trade off to that in terms of density, which relates to dollars. It could be lot size. Or instead of 50% open space requirement, a consideration to reduce that down i.e.60 acres & 50% of that would be 30 that is preserved. Maybe if you got up to a 50 acre parcel, you don't need to carry that ratio all the way through the project. There might be some consideration that is reasonable within the regulations to provide an incentive."

Foley, "You could take a parcel that size & rezone it R-2 & have a much denser project within that zoning. You don't have the same requirement in terms of creating that CDD with the protected area. This kind of zoning - this overlay - continues to make sense because when dealing with anybody who wants to develop this, the end results of those kinds of projects generally are a notch above anything you would do with a cookie cutter subdivision."

Kyle, "Ned & I are basically on the same page. I agree with his comment about 20 acre minimum size doesn't work & 30 acres will." Referring to her handouts, "Snavely (1633, 1617 Bell Rd) could go at the 30 acres. He has 36 acres. From then on folks who want to do this would have to combine, which is the exact goal the Village had. The first goal I'm hearing is we don't mind that it's not developing out. With CD, you are encouraging consolidation which is the desire."

Kyle, "The only thing that merits more discussion is the idea of establishing a minimum lot size within the CDD. Our approach is set the envelope & give the developer the option to arrange stuff. See the density based on a yield plan. No increase in density."

Incentives: Kyle, "Some CD programs do have incentives. I think Ned set the bar high. You have to do a lot of work & consolidate several parcels to come in & meet these incentives. Other ways to incentivize: Ned talked about less requirements for open space- maybe 1 or 2 extra units. You could say we'll support the public sewer to the pump station option if you do the CD. But, if you want to go traditional, we're not going to play with you on top of your 208. The Village is in control of where sewers go through your 208 planning process. One option is if you want to propose a traditional development, you're dealing with septic systems. If you want to propose something under CD code, then you might consider the public sewer option. If you go CD, we can talk sewer. If you go traditional, you're on septic."

Foley, "I didn't address the character of the street. Is it public or private? Regular subdivision, it becomes a dedicated street. It becomes the community's responsibility to maintain it. Normally, if you get into cluster development or condominium development, those are not public streets. It's another issue that could be part of the bargaining. The Village may choose or not choose to create a dedicated street & maintain it. One part of the deal is it becomes a private street & we don't want the burden to maintain it. Or part of it had the potential to interconnect through neighborhoods, what part becomes dedicated? That's another chip you can throw on the table. There is no mandate either way: private or public."

Brett, "Five property owners on the North side of Bell have presented plans or talked informally to SR out of 18 land owners. Most of the plans have not been appealing to the PC. Ned's comment on Pp. 2 of his memorandum, 'Without such effort though, the result will be either no development or poor development.' That's what's driving these discussions; poor development. If we go with our existing zoning, we are forcing people into these areas that have a water issue. I think we don't really want to do that. I do think there is a trend that it is appealing to have an option of not having those large lots for all homes in the Village. If we don't do something like this, we are just going to keep getting these plans that we don't like & we have no options to present to the developers."

Brett, "I think we are at the point of, do something or get off the proverbial pot. I wrote down tiers of development. Ned referred to that as an incentive. As you increase the total number of acres that are included, you could have the incentive that

the percentage of open space might drop a bit; interesting way to approach it. It accomplishes quite a bit if you incorporate that. Another thought, Ned showed us a drawing of the Plociak property, 21 acres. This as it stands, doesn't help a long thin lot." Tripp likes 30 acres.

Sutliff, "25 is too small & even 30 bothers me. With the geometry of those lots being long & skinny, Ploziak's 20 & if she picked up 10 acres on adjacent property, it would still be long & skinny, a little wider. We're still stuck with the same type of development." Foley, "It's not the 20 or 30 acres, it's the geometry; the ratio. I've never seen a regulation with that as a criterion. In these bowling alley type parcels, that is not an efficient development. More than the 20 acres, it's the fact that these things – length & width is bozo. You could have 20 acres be developed in the CD & be really nice if it's a square. When you go outside a 4 to 1 ratio, it gets crazy; not efficient. You end up with width & length the same. That's a proportion that flat out doesn't make sense."

Brett refers to the properties on the north side of Bell. Brett, "If it were 25 acres, there's one property owner who has 25 acres; Snavely. Everyone else would have to put lots together."

DiMichele, "If someone put 3 lots together & had 30 or 40 acres, & presented a traditional development, I don't think we'd loose any sleep over it. It's going to look nice. We're concerned about the bowling alley lots & this CD isn't addressing it. Ned's presentation showed that the bowling alley lots weren't affected at all by CD. So we aren't addressing that, which is our #1 problem. When he brought up shortening the length of the cul-de-sac, I thought that was brilliant. We are putting up another stumbling block to developing an individual bowling alley lot."

Brett, "Based on everything you said, I would agree. But, if you take Plociak's property & it stays as it is now, or is developed under current zoning, it doesn't change the end result there, which is not appealing. If we do a CDD, where it gave an incentive if you put a couple of theses lots together, you could end up with something more appealing. That's the incentive for that to occur. Part of this is that incentive to have to put those properties together."

Tripp & Sutliff think it makes sense to pursue a CCD. DiMichele, "I have no problem with that. I just don't think it addresses the problem that started this whole thing." Tripp, "If we don't do CDD, the result is poor development." Sutliff, "It's not going to prevent that. It's just going to give them a better option."

Brett to Kyle, "How does a CDD help us with this issue?" Kyle, "It provides a more appealing development product. It gives the developer something the market is much more interested in; with a little complication because he has to bring another property owner together. You've got these lots. I see these bowling alley proposals like a goalie is standing at the goal & somebody's going to keep kicking until a goal gets through. One of them is going to get through. If I don't have any other options & financially I need to realize the value of that property, I'm going to go with the traditional. It might not be terrific. The builder might have a hard time selling the

homes, but I'm going to do it because it's my only option. With a little bit extra work, I can bring something together & do CDD – that's the incentive right there."

Kyle, "There is only a couple of ways that you can change the land use patterns. The Village could buy the property through a land banking type of system. You could buy it, take ownership & change property lines. It'll be a ton of money & you're not going to do that. The other is you can set up a series of incentives. This is one of the incentives – to get folks to combine. Two ways to incentivize: buy it & combine or hang carrots out there that people are willing to go after."

DiMichele, "The carrots that make it worthwhile is that you gave them higher density." Kyle doesn't agree with that. Kyle, "The real estate market is such that big homes on big lots; there's a lot of those for sale. They aren't that appealing of a product. When you have a unique product, it sells right away. People aren't looking for big homes on big lots. They are looking for change. You won't have increase in density. The land value will still drive the price of the homes. You are providing a way to get a better product."

Tripp, "The CDD that we design, the incentive is people will have loads of property, end up with a better development. As Janice said, we might get lucky, merge 40 acres, do a traditional development & we'd all sleep at night."

Sutliff, "On this length of cul-de-sac from 2,500' to 1,500', we couldn't traditionally develop the Plociak's piece with a 1,500' cul-de-sac." Brett, "You couldn't have subdivisions at: Sunridge, Champion Lane, Maple Hill, Southwyck, Sheerbrook."

Foley understands Sutliff's concern about the length of the cul-de-sac at 1,500'. Foley, "It might inhibit more then we want it to. If we restrict the length of the cul-de-sac to something less then what it is right now with traditional development, & open up that length in a CDD; if you develop under CDD with open space, then the length of the cul-de-sac becomes irrelevant. You will allow flexibility. That restriction would be only in traditional (normal) development. It'll drive you into CDD. You can do some nicer things. It becomes another carrot."

DiMichele wonders if the length of cul-de-sac is changed, is it defensible? Flynn, "There is no development on the table. So there is no grandfathering. It goes down to defending the code: health, safety, welfare. What are the reasons for implementing this?" Foley, "The biggest negative is you have precedent set the other way. It would be hard to say ok all of a sudden. It has a role, but it's not flawless."

Kyle, "There is nothing wrong with setting up disincentives for what you don't want & incentives for what you want. As a municipality, you are not hindered by the limitations on township zoning. You have public health, safety & general welfare. You disincentivize the stuff you don't want. You make the cul-de-sac shorter as Ned pointed out on a traditional development. Then you add the flexibility with the CDD."

Flaiz, "I think the overlay conservation district is a good concept. The shortening of the cul-de-sac does have some appeal. From Council's perspective, what I got was

we are looking at the NE quadrant because of the Comprehensive Plan & also because this undesirable development came to us. How can we address that with our zoning? The flag lot issue that Council passed is a good step in the right direction.
Shortening the length of the cul-de-sac to provide another disincentive is a great idea. I think it could be defensible with what's going on in (?) in Bainbridge. These long cul-de-sacs are starting to fall out of favor & people have spoken out against them. There is a rational basis for us to adopt a short cul-de-sac."

Brett, "I don't think anyone is opposed to CDD. It doesn't solve all the problems. It's a step in the right direction."

Brett, "For the next meeting, I'd like to recommend going back to the Gates Mills CDD, Chapter 1160 & use that as a template. PC is down to the fine details as to what we want to have in our CDD. That includes: the minimum area, protected open space, lot size, streets, sewers/septic & water. The length of the cul-de-sac: 2 issues (1). Change length as incentive in CDD (2). Change the length in the subdivision regulations. Review these for the next meeting."

Tripp, "For the next meeting, we're going to flush out what is going into the CDD for South Russell: final details, incentives & disincentives.

Kyle, "We can put together a handout that just has the questions that have to be answered. Kyle will get the handout to the secretary by 2-14-08 so that it can be put into PC packet to read before the meeting.

Brett asks Hocevar to review Gates Mills CDD language & look for issues as far as a process goes.

Kyle, "In Gates Mills & Hunting Valley, we worked together with the engineer & with the law director to take the draft & tailor it to how PC wanted it. PC agrees with this.

3. OLD BUSINESS:

-parking regulation that was referred to Council on 11-15-07: nothing has occurred with it. Brett will talk to Ondrey about it.

-septic/sewer opinion poll: next week SR will meet with 2 communities to discuss their options

- Milbar property, 530 E. Washington St. will go up for public auction for $975,000. Purchase price was around 2.1 million. No one bid on it at the sheriffs auction.

Falls Grille, former Chagtown, 504 E. Washington St. closed; nothing going on with it

4. NEW BUSINESS:

-Engineer Ned Foley officially retires tomorrow, 1-18-2008, from full time employment. He will work 10 hours a week & continue to work with SR.

-Official welcome to new PC member Jim Flaiz. Welcome back to Janice DiMichele who re-upped for another term on PC.

NEW BUSINESS CONTINUED:
-Hocevar distributed zoning book to PC
-The next meeting will be February 21, 2008 at 7:30 p.m. Foley will be out of town. His associate, Joyce Bond will attend the next meeting.

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

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

1-17-08 from Kyle
Drafts-Ue

Parcel Information for NE Quadrant, South Russell Village January 2008
Geauga County Geographic Information System

Parcels North of Bell Street

PIN	LOCATION	OWNER NAME	ACRES
29-066500	1601 BELL RD	BRUCE NEILSON	5.00
29-046050	1589 BELL RD	LAWRENCE JOSEPH BURR	0.85
29-046060	1589 BELL RD	LAWRENCE JOSEPH BURR	2.0
29-046061	1589 BELL RD	LAWRENCE JOSEPH BURR	3.61 = 6.46
29-108154	1567 BELL RD	MATTHEW VALENCIC	8.50
29-012300	1649 BELL RD	JAMES BURNS	10.00
29-045750	1607 BELL RD	NABIL SAHLANI	10.00
29-060100	1645 BELL RD	ROBERT BELSHAW	10.00
29-067200	1605 BELL RD	JOHN NOSOL	10.00
29-053800	1545 BELL RD	MANUEL GOMES	10.01
29-088620	1573 BELL RD	TERESA CERNY	11.10
29-024600	1587 BELL RD	JOAN TRUSTEE MALONEY	5.76
29-024500	1587 BELL RD	JOAN TRUSTEE MALONEY	10.08 = 15.84
29-080900	1508 BELL RD	HARRIET KRUSE	20.24
29-077300	BELL RD	MONIQUE TOD PLOCIAK	16.72
29-108151	BELL RD	MONIQUE TOD PLOCIAK	4.02 = 20.74
29-107250	1633 BELL RD	PAUL SNAVELY	10.00
29-041600	1633 BELL RD	PAUL SNAVELY	22.35
29-108009	1617 BELL RD	PAUL SNAVELY	2.01 = 36.36
29-107858	1629 BELL RD	KEITH KIMBALL	3.21
29-051200	1629 BELL RD	KEITH KIMBALL	2.30 = 5.51
29-064070	1597 BELL RD	KEVEN & JULIA DOYLE	1.39
29-105050	1593 BELL RD	GREGG & NINA GILKEY	2.94
29-024410	1581 BELL RD	LINDA & R DERECSKEY	2.50
29-088630	1565 BELL RD	NICHOLAS TONCHEFF JR	2.56

#3c
Display 3
(big pgm)

Parcels South of Bell Street

PIN	LOCATION_A	OWNER_NAME	ACRES
29-073000	1548 BELL RD	SCOTT B SPIETH	13.18
29-072470	1560 BELL RD	NELSON & SUSAN POLE	7.00
29-088851	1566 BELL RD	ALVIN J SMITH	9.15
29-108176	1576 BELL RD	DORIS SMITH	9.26
29-089200	1572 BELL RD	DORIS SMITH	2.50 = 11.76
29-108175	1580 BELL RD	MICHAEL A SMITH	8.97

COMPARISON CHART

	Dates mills CONSERVATION DISTRICT	Emerald Lake II p.40 - 20 mins lot R-2 PRIVATE CLUSTER	RN-1 Kensington p38 RESIDENTIAL NEIGHBORHOOD
MINIMUM ACREAGE	30	50	100
DENSITY	5 ACRES	1 ACRE	1.25 ACRES
LOT COVERAGE	45%	35%	35%
FRONT SET-BACK	50 FT.	25 FT.	50 FT.
SIDE YARD	50 FT. BETWEEN STRUCTURES	25 FT. FROM EACH OTHER	10 FT. ONE SIDE/BOTH SIDES 25 FT. DISTANCE BETWEEN DWELLINGS 25 FT.
REAR YARD	50 FT. BETWEEN STRUCTURES	0/25 FT. FROM OTHER	35 FT.
MINIMUM SQ. FT.	NONE	2000/SINGLE STORY 2400/MULTI-STORY	2000/SINGLE STORY 2400/MULTI-STORY
ACCESSORY STRUCTURES	1000 SQ. FT. PER DWELLING	500 SQ. FT. PER ACRE	500 SQ. FT. PER ACRE

NOTE:
DEVELOPMENT OF STREETS, UTILITIES, ETC. ARE ADDRESSED IN SUBDIVISION REGULATIONS.

Pc. ~~8 a 9~~-07
~~8 a 9~~
11 15-07

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
FEBRUARY 21, 2008
7:30 p.m.

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Ike Tripp, Janice DiMichele, Jim Flaiz**

   OTHER OFFICIALS: **David Hocevar Building Inspector, David Ondrey Solicitor, Joyce Bond Engineer**

   GUESTS: **Kyle Dreyfuss-Wells, Chagrin River Watershed Partners, Inc. CRWP (440)975-3870**
   Annette Morud Business Manager for CF Schools & Liz O'Neil, school board member
   Sue Reid, CVT reporter

2. MINUTES: 1-17-2008 **approved as presented**

3. AGENDA:

   (a). Development Review: Chagrin Falls Schools requests a modular classroom unit to be located to the rear of Gurney School; drawings show a modular two-classroom floor plan

Hocevar, "The school is a conditional use in a residential district. As far as the building, everything is to be anchored down. That is all taken care of." Ondrey, "I would suggest to look at does it fit within current zoning? If they built onto this building in this particular footprint, would there be violation of zoning? I don't think that's the case. Conditional use, look at: impact on neighborhood, traffic flow. Mix the two standards. If this were coming to you as a brand new conditional use for schools in this district, what concerns would you have? Secondarily, look at zoning. If it complies with our zoning, then you don't have a basis to deny it on that standard."

Morud, "We want to put a 2- classroom unit behind Gurney. We'd put it in that U shaped part behind the school. It won't be visible to the front or to the neighbors. Roughly, they are 24'X 68'. It'll have a ramp & steps, fire alarm, electrical. It'll go on asphalt. All of these units have to be approved by the state."

Duration: Morud, "For a long time. I don't imagine this is as permanent as a brick building. As Mr. Thompson put it 'until we pass the bond issue, which will be a long time in the future, this will be there.' It's not intended to be there 40 or 50 years, but maybe 10-15 years."

Reason for this: Gurney intends to offer all day Kindergarten as an option. Morud, "To do that, we need 2 classroom spaces." Intended use: for computer lab & specials i.e. art, music class; only for kindergarteners.

Letter dated 1-17-08 to CF Schools from Taylor Classroom Sales identifies two different units:(a). new, 60' X 23'7" $78,468. (b). used, 64' X27'7" $21,875.

Morud, "Everything is pretty much the same; 2 classrooms side by side, sliding sloped roof. The only difference between them is that some are aluminum sided & some of them have T1-11 siding. Students will go outside from an entry way at the gym. The ramp would be 2' from the entry way." PC expresses concern for students because there is no roof; no protection from rain, snow wind. Tripp, "You could add a canopy over entry deck."

Contingency plan if PC denies the request: Morud, "Other options would be trying to find other space. Maybe move the preschool out of Gurney to some other location in the district. But we haven't pursued those other options because we decided this was our best option."

The area the school intends to use is used only for parking during the holiday show. They loose 6-8 parking spaces if the modular unit went in there.

Morud, "We do not plan to add more units in the future because we are not doing this because of increase in enrollment. We're doing it to offer all day Kindergarten." O'Neil, "We could offer music & art on a cart. We don't want to do that. The computer lab is an air conditioned room. That air flow is good for the computers. But those could also go on a cart."

Restrooms are in the gym foyer. Sutliff, "Are they accompanied outside? Does the teacher leave? Take them outside & get them into the building?" Morud, "I'm sure a teacher would go with them. Kids are only in this for computer lab or music or art, which lasts 45 minutes at the most."

Brett raises security concern. Brett, "Would you enclose the area? Have a gate between the exit of the building & the modular that would enclose that area so if a student did go outside of the modular classroom, they are not just outside. They are in a confined area." Morud, "I think that's a great idea. That would be easy to do. We'd just have to work with the fire inspectors. Whatever we did, we'd have a clear fire exit."

Electrical: School needs to get permits. Morud, "We would be running the data wiring out there. There are 2 electrical rooms this could come off from. It has to be within 300' of the closet. We have to put a fire alarm system out there.

Security: The unit has a locked door & there is a camera back there. Hocevar, "The manufacturer pumps these out, gets stamped by the state for approval. The inside is easy to check. The heating is self contained."

Brett, "I think this is their only feasible option. They are clearly out of space. They need to do this. The fact that it is tucked away, the school surrounds it by 3 sides. Directly behind it is the bus garage, large hill & trees. No Village residents would see this."

Brett, I make a motion that we approve the application for the modular unit to be placed at Gurney School. Based on the solicitor's comments, it is not adverse to the surrounding area. The plan appears to be harmonious with the surrounding community & it appears to be efficient.

Conditions:

1). A cover/canopy is to be erected along the passageway between the building & the entrance to the modular unit.

2). A gate/fence is required to screen off access to the open area.

3). Size: modular unit, not to exceed 66' in length X 30' in width.

4). The above conditions have to fit in with the South Russell Building Code & the school is required to get approval from the fire prevention officer.

DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

(b). Continue to discuss Conservation Development District, CDD. Kyle Dreyfuss-Wells prepared a list of questions; PC will review/discuss.

Brett, "PC is not looking to promote additional development or prohibit development in this area. (NE quadrant). Coming up with something that gives an alternative, an option, hopefully what that does is that it ends up with a better product in the Village. And hopefully, it alleviates some potential problematic things that we've seen."

QUESTIONS:

Kyle, "The two most important questions are: **(1). What is the minimum parcel size that you want to apply to the CDD? (2). What would the minimum percent open space be?**

PC discusses. 25 acres is mentioned. Kyle, "One more thing to throw into the debate is the interchange between the percent open space & the parcel size. One option, you could set it at 25 acres with 50% open space. Have that open space fall down to 40% - which is the minimum amount that we recommend- as the parcel size increases. It's an incentive to get a large parcel." PC agrees on the formula. 25 acres is insufficient. PC decides on:

minimum eligible parcel size/	**minimum conserved required open space**
30 acres	**50%**
40 acres	**45%**
50 acres	**40%**

Bond, "I think you have to be aware of the difference between an overlay district & zoning the district to Conservation. As an overlay district, that gives them an option to exercise conservation. It doesn't hold them to that as a requirement. We hope they

would choose the overlay because it would potentially be a positive thing for development. They could choose to stay with the regular existing zoning if it met the current zoning requirements."

Bond, "If there is something undesirable to you, you should look at a way to restrict that legally. There is a precedent for having shorter cul-de-sacs because of safety reasons. You don't want a safety vehicle to get way in the back & not be able to get out. There may be a legal precedent for saying, we don't want single loaded streets. That's a reasonable thing for you to address as a way to deal with these bowling alley lots. You could justify it by saying single loaded streets add an additional burden to the Village because the Village has to maintain a street that is only serving somebody on one side."

Ondrey, "We went through this. I heard what you said about maintaining a street where there are only homes on one side of it. How does that translate to a burden on the Village? How do you justify a 5 –acre zoning where you have 6 homes as opposed to 1-acre zoning where you would have 5 times as many homes? Why wouldn't someone argue you should never have 5-acre zoning because you're not getting the same kind of care/burden on the municipality?"

Kyle, "My concern about the cul-de-sac is that it's so obvious that you are doing it to discourage development." Ondrey agrees. If you start dreaming up things that prevent development, you're just asking for a challenge."

Kyle, "The benefit is to incentivize the Conservation Development (CD). One incentive is they get to have this product." (Other incentives are listed on Pp. 2 of Kyle's handout; question 10) Kyle, "Things like if you do CD, the Village will help you on the sewer. You could hook up to the pump station & you could go into the sewers. If not, you've got to do septic systems. You are on your own." Brett, "That's not realistic. The Village will not help with that." Tripp refers to Pp. 2 of the minutes of 1-17-2008, 'Public sanitary sewer service doesn't necessarily mean it's a public sewer line. It could be a group sanitary sewer.' Tripp, "That's an incentive. You allow the developer to group the system in the green space area, not the protected open space. Have a sewer, without having the Village go through the hassle of putting in a public sewer." Brett, "I agree with that as an option." Hocevar, "EPA controls that."

Kyle, "Another incentive; if you do a traditional subdivision, those are private streets. They are your problem. If you do CD, we will consider public streets." Ondrey, "Under our current regulations, we require all public streets. We don't permit private streets." Kyle, "The other is the decrease in the open space. That incentivizes CD."

Kyle, "Another thing Gates Mills & Hunting Valley has is collapsed internal lots. Their CD, you have to keep 50' between buildings. You don't have a minimum lot size within the CD. That gives a developer max flexibility in the envelope that you give him. That's a huge appeal."

Brett wonders if someone has 25 acres & wants to do CD, can that person seek a variance for 5 acres & do CD? Ondrey, "Unlikely, but maybe." Brett, "It would be difficult to grant them a variance to give them the ability to do CD." Ondrey will give it more thought.

Hocevar, "If you look at the zoning book, all our zoning has 65% open space throughout any district whether it is private cluster, Manor Brook, any thing." Kyle, "But there's stuff allowed in that open space." Hocevar, "Correct. We let them put their well fields in their open space. For those developments, we also allowed ¼ acre reduction in the zoning. That became common area; plus 35% lot coverage for buildings." Brett, "With CD, we're going to end up with more green space then 65% because 50% of it has to be a preserved open space; green open space. For each of the lots, you'll have unbuilt portions of that lot which contributes to getting up to 65%."

Kyle, "I think we are confusing open space & lot coverage." Flaiz, "If the envelope you're talking about could only cover 50%, the envelope that any type of development would take place…" Bond, "And within that envelope you would still have areas of lot coverage that maybe used 40%..." Flaiz, "Then 35 or 40% of the envelope could be covered & then the rest of that would be open." Kyle, "What Gates Mills & Hunting Valley have done in that envelope, they've got certain setbacks & 10% total impervious cover. After that, you can do whatever you want in terms of how you lay it out. You can do homeowner, condo. Once you squeeze someone down by 50%, you need to give them a lot of flexibility to figure out how they are going to deal with the other 50%. They have to put: waste water, storm water, drinking water, livable space."

Kyle, "The Countryside Program, which is the benchmark on CD, recommends nothing less then 40% open space. The 30 acres & 50% minimum open space, 40 acres & 45% open space & 50 acres & 40% open space is a good place to start."

Question # 3: Would the Village set a minimum lot size within the development area of the CDD? Earlier Kyle said that Gates Mills & Hunting Valley don't have minimum lot size. They have collapsed internal lots. (Pp.4 second last paragraph from bottom of page) Kyle, "What I really like about this is that nowhere are you saying that in South Russell you're creating a lot smaller then your minimum lot size in the traditional. You won't have someone come in & say, well you have 1 acre lots here. If you don't create a lot, you just have setbacks & separations like they do in Gates Mills."

Clarify the word, collapse: Kyle, "In Gates Mills, they don't establish a minimum lot size in that CDD. It's not even addressed in their code. They give a setback from the right-of-way of a public street, which is 200'. It's wider then their existing setbacks from a public street. The idea is get it out; get it back; bunch it up. The minimum distances between buildings is 50' & establish other things like rear yard setback to clump things together. Total impervious cover of 10%. That 10% was a result of looking at their existing lot sizes. You know if you get a 30 acre parcel, only 10% of that is going to be covered with impervious surface. It's 10% of the whole thing, not 10% of the envelope."

Brett, "I see that it's 12%." Kyle, "You're looking at Gates Mills Code Pp. 5 #5 (d). That's impervious cover for single family dwelling. Latter in the code, Pp. 7 (k), it sets the overall impervious cover limit for the whole development at 10%."

Brett, "You could have one huge house & a bunch of small houses." Kyle agrees. Brett, "Once you do that, you then create lots." Kyle, "If you do a condo association, you don't technically have to do that. You can do a condo or HOA." Ondrey, "We haven't gotten that far. We are considering this in a single family zone; although condos would be permitted down there. You could create a minimum lot size. There's also a beauty to saying just as long as you keep the setbacks & distances between the buildings, we don't need a minimum lot size." Emerald Lakes II is all lots with a common area.

Bond, "The idea that you would not put a restriction on the actual lot size is an incentive." Tripp, "They bring the side & front yard setback, the side yard, the rear yard & whether it's a single family detached or attached. They just need to follow the setbacks, separation between buildings, don't go over density & not more then 10% impervious cover." The density is defined by the traditional yield plan. Brett, "With a potential bonus over 50 acres." Kyle, "Remember you don't have to approve anything. They come to you for a review & you can say, I want that moved there. You have to approve the overall development plan before they can go forward."

Answer to #3: No. PC selected to follow approach similar to that in the Gates Mills & Hunting Valley codes.

Question #4: Would the streets be public or private? PC discusses. Brett advocates for public streets. Brett, "The Village has some private streets & there is the request of, 'Won't you guys take over the streets?'" Sutliff views the public street as an incentive. Sutliff, "The homeowners wouldn't be saddled with paying to fix the chuck holes." Ondrey, "It might be an incentive to a developer if we lower our standards; allow roads to be narrow, allowed to be chip & seal. That saves on the cost of improvements." Currently traditional subdivisions in SR have to have a public street. Hocevar, "Unless you do spur roads which are non dedicated roads. They have different standards of construction. Manor Brook Drive is a public, dedicated road. Where you turn into the condos, those are private roads. We don't maintain the private roads, but we do have standards that they have to adhere to."

PC discusses: allow the main road going through to be dedicated, but the spurs have a different designation. Hocevar, "Basically, the spur roads don't have a curb & gutter. That's the expensive part of a road. It's built to the same standards; same base & asphalt." Brett, "We don't want the spurs of Manor Brook to be public. We don't want to plow those."

Ondrey, "Those spur roads were the result of negotiations. We don't permit spur roads. Our regulation says every road must be public & built to our standards." More discussion

Answer to #4: Main roads must be public, with private roads permitted off a dedicated street. Hocevar & CT will check Village's existing subdivision code to ensure conformity.

Question #5: Would the Village provide any assistance with connection to public sewers or would septic systems be required?

Kyle read the Gates Mills Code & modified it to meet SR needs; p.3, 1160.03 (b) Each CDD shall be served by an on-site wastewater disposal system approved by the Village in coordination with the Geauga County Board of Health & the Ohio EPA. Said system shall provide for a common system, serving all properties, if practical & feasible, & allowable by those agencies having approval/permitting authority over such systems.

Kyle, "There is common drip. Chip Hess is designing them."

Answer to #5: PC selected to follow approach similar to that in the Gates Mills & Hunting Valley codes.

Question #6: What type of drinking water-well or central- would be provided?

Brett, "Not city water from Chagrin Falls." PC discusses: wells, availability of water is major concern, must have Village hydrologist involved from the beginning, needed is his approval to proceed with project

Answer to #6: Group or individual wells would both be acceptable but applicant must demonstrate the availability of adequate drinking water to the satisfaction of the Village hydrologist

Question #7: Under what circumstances, if any, would the Village consider allowing density above that provided by traditional development?

Determine density? Kyle, "You do a traditional yield plan. That's the foundation. You have to do it. I get my 30 acres. Under your traditional subdivision code, I could get 4, 7, 8 units. They have to do a preliminary plan (not a formula) & South Russell has to agree. Yes if you went forward with this, you could get these lots in here. You (developer) have to prove it to me that you can get these lots."

Incentives: Inherent bonus. PC discusses. Sutliff, "Does Hunting Valley or Gates Mills incentivize density?" Kyle, "No. Hunting Valley prohibited discussion. We had to bring the Village from 95% opposed to 95% in favor of the concept. In Gates Mills, they did not do it in the code that they passed. They are considering one now. It has a really high percent of open space; maybe 60% & they may give a density bonus. That hasn't moved anywhere yet.

Brett thinks a density bonus applies to a large parcel. Brett, "If you're talking about a 50 acre grouping, that's when we would consider a bonus." Tripp agrees with 50 acres. Tripp, "The bigger the development they put together, the better the deal is for them." DiMichele agrees. PC discusses.

Answer to #7: For parcels of 50 acres or larger, the Village would consider granting a bonus of traditional yield + 10% with a minimum of 2 additional units.

expectations. After he is finished, Bond/Foley of CT, Kyle of CRWP, Hocevar of SR will review/make changes. The draft will go to PC.

Note: Ondrey has trial obligations/commitments. The draft may not be ready for the March 20th meeting.

4. OLD BUSINESS: Milbar, 530 East Washington St., private auction on 3-11-08; 5 acres

5. NEW BUSINESS: **NEXT MEETING: 3-20-2008 AT 7:30 P.M.**

The Balance Growth Initiative: Brett explains that communities that make up the watershed are asked to look at a map & find planned development areas & planned conservation areas. Muggleton is a planned conservation area & the business district is a planned development area. SR can designate as much or as little into the two categories.

Reason to do this: there are incentives South Russell will get from the state if we do a balance growth initiative. We get state support as it pertains to zoning because we are able to say, here's the area that we believe is going to be developed & this is what is going to be conserved. SR gets points for funding for the trials. There is a state stamp of approval. SR gets incentives, whether they are points on the application or those are funding dollars. We get state backing on our zoning if it were to be challenged.

It's easy for the Village to do. It makes sense for PC to go through it & designate areas. Kyle & her team have looked at this. Kyle will e-mail the info. to Brett. He will e-mail it to the PC.

The next meeting is scheduled for Thursday, March 20, 2008 at 7:30 p.m. There was no further business. The meeting adjourned at 9:25 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, Secretary

Question #8: Would the developments have to be single family, detached units or would attached units be allowed?

Manor Brook has 5 or 6 in the front. In the back, they have 2 or a single. Gates Mills & Hunting Valley allow up to three.

Kyle reads Gates Mills Code: 1160.09 Review Criteria for Preliminary Development Plans, pp. 9; (a). comprehensive nature & design, (b) anticipated impacts, (c) proposed architectural & site design characteristics, (d) nature & extent of landscaping, (e) the suitability of proposed separations between buildings, (f) conformance with the maximum density. Ondrey, "We shouldn't sit here & think we have the unfettered ability to reject a plan. We have to at least tie in a denial to those characteristics."

Answer to #8: Up to 3 attached units would be allowed.

Question #9: Would the developments be managed by a homeowners association, a condominium association? Or would both be allowed?

Answer to #9: Both would be allowed.

Question 10: What potential incentives would be available to developers/landowners to encourage the consolidation necessary to develop under this code? Potential incentives include the following:

PC discussed each potential incentive.

a) Sewers: Will public sewers be used as incentive for conservation development? Answer: See response to #5

b) Public vs. private streets: Answer: See response to #4

c) Required percentage open space in Conservation Development District: Answer: See response to #2

Question #11: Would the conservation district be restricted to one area or applicable throughout the Village?

Answer to #11: District would be an overlay available on R1C & R1D zoning districts in the Village

Cul-de-sac: Sutliff, "We don't want to set a precedent & say, no you can't have so many feet for a cul-de-sac. Then all of a sudden have a really nice CD with a long cul-de-sac & we have to say, no you can't have it." Kyle, "If you restrict the cul-de-sac to 1,000' for traditional development & allow a longer cul-de-sac on the CD, is that enough of a safety valve?" Currently, cul-de-sacs are limited to 2,500; just under a mile. **Table it; no decision on length of cul-de-sacs.**

South Russell will use the Gates Mills code as a template. Based on PC response to questions 1-11, Ondrey will modify the Gates Mills code to fit South Russell's

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PLANNING COMMISSION
MARCH 20, 2008
7:30 P.M.

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

2. MINUTES: 2-21-2008 **approved as presented**

3. AGENDA:

(a). PC to continue to discuss Conservation Development District CDD: Q & A from PC meeting on 2-21-08, & proposed ordinance amending section 4.02 of Chapter 4 "Residential Districts" of the South Russell Zoning Code by adding new paragraph 4.02 (j) "Conservation Development District" for the R-1-C & R-1-D zoning districts **PC reviewed proposed ordinance, made changes up to Pp. 6, will continue to review document at next PC meeting**

(b). The Balance Growth Plan presented by Kyle Dreyfuss-Wells of the Chagrin River Watershed Partnership
Brett, "I move that Planning Commission recommends this to Council for adoption." DiMichele second. Roll call: Flaiz yes, DiMichele yes, Tripp no, Sutliff yes, Brett yes. APPROVED.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **NEXT MEETING: APRIL 17, 2008 AT 7:30 P.M.**

6. ADJOURN: **9:25 P.M.**

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PLANNING COMMISSION
MARCH 20, 2008
7:30 p.m.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Ike Tripp, Janice DiMichele, Jim Flaiz**

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

   GUESTS: **Kyle Dreyfuss-Wells, Chagrin River Watershed Partners, Inc. CRWP (440) 975-3870**

2. MINUTES: 2-21-2008 **APPROVED AS PRESENTED**

3. AGENDA:
   a.) PC to continue to discuss Conservation Development District CDD: Q&A from PC meeting on 2-21-08 & proposed ordinance amending section 4.02 of chapter 4 "Residential Districts" of the South Russell Zoning Code by adding new paragraph 4.02 (j) "Conservation Development District" for the R-1-C & R-1-D zoning districts

Review proposed ordinance:

Pp. 1, change 4.01(j) to **4.02 (j)**

Pp. 1, PURPOSES & OBJECTIVES (c) maintain the established density of the Village; Question. Does that put the Village in conflict? Later in the ordinance, it states if you reach a certain number of acres, there is a bonus. Ondrey, "That line is from Gates Mills. I don't think it's a bad thing to leave in there. You are saying a goal is to maintain the established density. It doesn't mean we can't create an exception for it. It won't get us into trouble." **Leave it as it is.**

Pp. 1 PURPOSES & OBJECTIVES: Foley wonders why this is limited to R-1-C & R-1-D zoning districts. Is there any reason A & B couldn't be included? Brett, "It only fits in those areas, which would be the northeast & southeast corner of the Village." Ondrey, "That's the zoning where this might occur."

Pp. 2 (c) DEVELOPMENT AGREEMENT: Sutliff wonders if a hydrologist report or plan should be added. It would include ground water availability & recommendations on community wells, individual wells. Ondrey, "If you want to have one zoning or another, you

do need to demonstrate the water availability. That already is an existing requirement of the overlay zoning for the water. It is in place."

Pp. 2 (c) DEVELOPMENT AGREEMENT, (3) Development Plan. Ondrey, "Development Plan here is their proposed development, which is different then our normal subdivision regs. because they will be under existing zoning. It's not the same thing."

Ondrey refers to Pp. 2 (c) DEVELOPMENT AGREEMENT. "We are going to require:
(9) Covenants & restrictions for the homeowners association or condominium association.
(8) Tree Preservation Plan. We don't have one in our normal subdivision regs.
(7) Stormwater Management Plan. There is, to some extent, storm water management. It may not be a plan, but you can't get a subdivision approved without demonstrating adequate stormwater management.
(6) Yield Plan. Yield Plan is something unique to this. It shows what you could do under the existing zoning. It is equivalent to a subdivision plan, but under this proposal they have no plans to develop it that way. We require them to show, what is the best you can do under existing zoning?

(8) Tree Preservation Plan. Question. Why? Ondrey, "Let me make a guess. The CRWP had a hand in developing this & that's a huge part of their program. You preserve trees, you're helping to eliminate some of the erosion & surface water drainage problems into streams & rivers. It seems to me it's part of this package of concept. We are trying to give an option for a different type of development where there will be more open space, possibly more trees."

PC discusses. Concerns raised: cost, developers have to do many things to get CDD approved, developer may decide to do traditional development (bowling alley lots)
PC agrees to omit: Pp. 2 (8) Tree Preservation Plan, Pp. 3 (j) TREE PRESERVATION PLAN, Pp. 10 (8) Tree & woodland evaluation

Pp. 2 (f) IMPERVIOUS COVER. 'Any paved, hardened or structural surface… including swimming pools.' Pp. 6(k) Impervious Cover; 'impervious cover shall not include ponds.' Question. Why is there a difference? Kyle, "A swimming pool is impervious surface. There is no infiltration. Ponds are exempted from the calculation of impervious cover, the idea is that they are (?)"

Pp. 3 (5) ACCESSORY USES, (b) Accessory uses & structures shall be combined & minimized so that there will be fewer accessory uses… in a traditional development. Sutliff thinks it is generic. Questions. How is this enforced? Why would there be fewer then the traditional development? Kyle, "In Gates Mills & Hunting Valley, the discussion was PC & ABR are approving a development plan. They can make comments. You want to get away from subdivisions where everyone has a pool & tennis court in their backyard. But, you don't want to be too restrictive. You want to give the developer enough flexibility to give him the kind of product that he wants. This goal was to minimize that that can happen without being restrictive. There are limitations in (c) (d) (e) Pp. 4. (b) Accessory uses & structures… is saying to minimize this as much as you can."

Hocevar, "Under our zoning now, a pool is an accessory structure. In (e) pp.4, do we want to limit swimming pools? If we run some calculations, with a 1¼ acre lot, you can't have a swimming pool. Is that what that is saying?" Brett, "It depends how many are in there. Possibly." Hocevar, "If you take a 30 acre parcel & 15 acres are in CD, you've got 12 homes there; 1¼ acre for each home. Do you want to take that 1¼ acre & tell them they can't put a pool on it?" Kyle, "I understand your calculation from the way we have it in (e). You can have 2 pools." Hocevar, "No, what I'm saying is that in (e) you can't have a pool on 1¼ acres." Kyle, "The idea is that these units are grouped & they are sharing facilities." Tripp, "So you could have 2 pools on 12 acres." Kyle, "Right; that people share in common."

Hocevar, "If they are single family homes on 1¼ acre lots, you're telling these people they can't have a private pool in their backyard." Kyle, "Yes. That's the idea to limit it. The intent is to not have every home have its own swimming pool." Hocevar, "Telling somebody with a 2 million dollar home they can't have a swimming pool because we've got too many in the neighborhood already – I want everyone to understand." DiMichele, "They could have one, but 5 other neighbors can't. I think it's very restrictive." Hocevar, "I don't know if we want to go that route."

Tripp, "It goes to the heart of the issue about impervious cover." Hocevar, "It still takes a lot to cover that percentage for impervious cover. You could put a nice size home there, a swimming pool & still come within our coverage there. Newer homes: Ashleigh has 2 pools. Fox Run has 2. People are starting to put swimming pools in more now then in the last 10 years. They may never do it. But, I don't know if we want to restrict that person, saying we don't want swimming pools in your yard. So what if you built a 2 million dollar home on 1¼ acres?" Kyle, "It is clearly the intent. It is one of the motivating intents of this code in Gates Mills & Hunting Valley is that people had one big nice pool as opposed to 12 little pools. That's the intent. If you want to just set the overall impervious cover limit & let them play within that impervious cover (...?) I think the idea that you have the subdivision spread out & everybody has their own individual accessory structure, that's one of the problems with traditional design."

PC discusses. Concerns: someone asks for & is granted approval to have a swimming pool or tennis court. Years latter new family purchases house in the development, asks to have swimming pool or tennis court & is denied. Question. How does the Village determine who gets the pool or tennis court? Kyle, "They have to bring you a workable development plan. You approve all of that at the time you approve the development plan."

Hocevar, "Above ground pools aren't accessory structures. They are a temporary storage.

Pp. 3 (b), Pp. 4 (c) (d) (e) leave them as they are.

Clarification: Kyle, "This is not a zoning district. You're not getting a change in zoning. South Russell intends for this to be an overly to its zoning." Correct. Kyle points out that the term 'Conservation Development District' is used throughout this proposed ordinance i.e. in the title, Pp. 1, 4.02 (j), Pp. 1 (1), Pp. 1 (2) (a) & continues through out the document. Ondrey, "That's the big difference between this & the model from Gates Mills. It may be a little misleading to call this a district because it's not a zoning district. The zoning stays R-1-C & R-1-D. I can't advocate too strongly to use the phrase Conservation Development District. I thought it was handy as a shorthand way to characterize this." **No decision by PC to change it or leave it as it is written. Question. Need to address this before the proposed ordinance is retyped & forwarded to Council?**

Clarification: Kyle, "My approval of my development plan expires. The land reverts back to its underlying zoning." Ondrey, "I would say that's a fair conclusion." Foley, "Does this carry with ownership? Or does overlay zoning disappear if I were to sell the property?" Ondrey, "After your plan has been approved?" Foley, "Right." Ondrey, "I believe once it's approved, it would go with the land, even if the original guy who gets it approved turns around & sells it to somebody else." Foley, "Consider a conditional use permit." Ondrey, "Traditionally they are good for the individual who applied & has been approved. If they want to sell it, they have to come back to PC to make sure that the new owner of that particular use gets approved by you also. We could do it that way. Hunting Valley & Gates Mills does not address that. It seems to me as long as you like the plan, as long as there is adequate bonding put in place for the improvements, I'm not sure why we care if it's Joe or Pete actually doing it."

Time limit: Tripp expresses concern if there is no time limit. "Most developers now have to buy a lot, build your house within a year. You can't go to the Corps of Engineers & get a remediation permit to remediate a wetland & not do it within a year. If you don't do it, you've got to do all the engineering & all the studies all over again." Flaiz, "Approval expires within a year unless an extension is granted by PC." Ondrey, "You are talking about a cluster development. That's pretty tough to say you're going to get that completed within a year. What is a reasonable time to get it started? To get it completed? What's the difference if they don't build it for 10 years?" Foley, "How about a time for completing it? If they start it, there is a time frame to complete it." There are no time limits on traditional subdivisions. **Decision: No time limits**

Pp. 4 (6) DEVELOPMENT STANDARDS. (b) Restricted Open Space (2) 'The restricted open space shall be made… the Village with the right, but no obligation, to enforce the provisions.' Pp. 9 (14) COMPLIANCE REQUIRED (b) "When the Building Inspector determines that a proposed plan…may not be in compliance… he shall take appropriate action.' Question. Are these two different things? One we don't enforce. Two we do enforce. Brett refers to Muggleton property (972 Bell Rd.) "Western Reserve Land Conservancy is the holder. They can enforce that it stays the way we dedicated that property. They hold it & they are responsible for enforcing it." Kyle, "The goal behind Pp. 4(6) (b) (2) is that there is a second chance on a conservation easement. The biggest concern that

residents have about this kind of development is that 100 years from now, someone will build in a conservation area. This says the Village is also party to that easement Even if Western Reserve Conservancy goes belly up, the Village could step in & take over the easement; the back up team."

Pp. 5 (5) DiMichele, "'No portion of any privately owned building lot.' At one time, we talked about not having defined lots. If there are no defined lots, how does this get calculated?" Ondrey, "I don't know that we excluded the notion that there aren't going to be building lots. I think we said the parameters of those lots might not be the same as you have in a traditional subdivision. I'm not clear as to what the purpose of the restriction is." Kyle, "If you choose to go with HOA & have lots, people have land that they own. You can't count somebody's yard in the protected open space. The only thing that can be in the protected open space is that chunk of land which is owned by the HOA or owned by the condo association. In CD, folks will try to count the setback around the parameters as low quality open space. That's one of the faults that CD has run into in the past. The purpose of this is if a person is going to privately own the land & it's in their yard, it's not part of that conserved area. If you choose to go condo, this won't be an issue. If you choose to go lots, then it will."

Pp. 5 (f) Setbacks & Separations (1) 'No building…shall be located closer than 200' to …existing public street.' In South Russell, that is Bell Rd. Kyle, "If you are going to group these homes, you want to push them back so the neighboring property owners aren't affected. It might not be the same issue in the northeast quadrant." Foley, "You have other geologic reasons that 200' is not a good criteria. You want to preserve some of the most sensitive area (in the back). You need to move them forward."

Hocevar, "Ours is 75' plus the right-of-way. So, it's 100'. This Pp. 5 (f) (1) is more restrictive. I don't think it's a bad idea so it's not all up at Bell Rd. **PC decided to change 200' to 100'.**

Pp. 5 (3) A, Ondrey verbalized concern. "We're saying there has got to be 50' between buildings & the edge of easement of any spur road. I thought spur roads almost act like drive ways. Is it practical to bump a building back 50' from a spur road?" Hocevar, "In Emerald Lakes, it's 25'."

PC discusses Pp. 5 (f) (3) A. B. Pp. 6 C. **A is to be changed to:** 50' for **any dwelling. Eliminate B. & C.**

Pp. 6 (g) Architectural Design. Brett wonders why the developers are going to the ABR at this stage of the process. Ondrey explains that in Gates Mills it is the discretion of the PC to refer the proposed conservation development plan to the ABR. If SR is going to require a cohesive design concept, involve the ABR from the get go. Ondrey, "What I'm trying to avoid is that PC approves it & it goes to ABR. What if they have serious objections to the design & architecture?" Hocevar, "ABR has never been involved in any subdivision we've put in." PC discusses.

Pp. 6 (7) APPLICATION REQUIREMENTS & PROCEDURES; Pp. 7 (4) Referral to ABR. 'Preliminary approval of that board must be secured in advance of action by PC.' Kyle, "Numbers one through six (Pps.1-6) is setting up all the requirements. Then numbers seven & on (Pps. 6-12) is saying how this is going to fall into place. All (g) Pp. 6 says is it has to have a cohesive character & that cohesive character has to be reviewed by ABR. It's very important because you are clustering things together & you don't want to have a Wild West look; different kinds of homes where you have a Mediterranean next door to a French Normandy. You don't want to have it. They are too close together. You can see this in Sterling Lakes in Pepper Pike. They had very strict design standards. I think having ABR early on in this process is important. You are approving a development plan. They are going to show you elevations of these buildings. Pp. 6 (g) sets up the standard & then Pp. 7 (4) says who comes in & when."

Brett, "Good point if they are clustered. But, it could be a typical development. Under that scenario, it wouldn't be very different from Kensington Green. We didn't make anybody go through ABR in the process of putting in the development." Ondrey questions whether PC wants cohesive design requirement. Hocevar, "In the past any subdivision, even Manorbrook, we never had anybody go before ABR & showed characteristics of the building. They were footprints. As it progressed, PC approved it & then it went onto ABR to look at it."

Kyle, "When PC is reviewing the development plan, do you just want to see a site plan, which will be lines on the paper showing where the homes & waste water would go? Or do you actually want to see elevations of the type of buildings that would get built there?"

Pp.6 (g) Architectural Design. Eliminate last sentence, 'All buildings & structures within…to the requirements contained in Section_____.'

Pp. 6 (i) Fire Protection. Hocevar, "The average fireman gets carried away with what he wants. If there is a way to have him look at it, but I don't think we should lock everything down for his approval." **Eliminate last part of sentence. Sentence reads, 'shall conform to the standards & specifications of the Village.'**

Pp. 6 (k) Impervious Cover, 10% & Pp. 5 (d) Maximum Impervious Cover, 12%. Kyle, "5d is 12% for a single family dwelling if you bunch it together. That was trying to control coverage of each individual dwelling. The idea is if there are lots, it couldn't be anymore then 12% for a single family dwelling. But, the overall impervious cover of the whole development is 10%." **Change Pp. 5 (d) to Maximum Building Ground Coverage & copy the Hunting Valley Code, Pp.4 (d) 'The maximum building ground coverage for a single-family dwelling shall be 4,000 square feet, the maximum building ground coverage by any building containing two (2) attached dwellings shall be 7,000 square feet, & the maximum building ground coverage by any building containing three (3) attached dwelling units shall be 10,000 square feet.'**

Pp.6 (j) Lighting. PC approves lighting of commercial plans. There is no lighting plan in SR for residential development. **Hocevar will look at other communities to see what their lighting restrictions are.**

PC stops reviewing proposed ordinance. Next meeting will continue; will start on Pp. 6 (7) APPLICATION REQUIREMENTS & PROCEDURES

AGENDA:

b.) The Balanced Growth Plan, presented by Kyle Dreyfus-Wells of the Chagrin River Watershed Partners, Inc.

Handouts: Chagrin River Watershed Partners, Inc. Balanced Growth Plan January 2008
Balanced Growth Resolution Draft for Review & Comment March 20, 2008
Maps: 1. SR Village, draft priority Conservation Areas
2. SR Village, draft priority Development Areas

Brett explains if the Village were to adopt a balanced growth program, it would put SR in a position to earn funding dollars. The state may give a stamp of approval in support of our zoning. Two areas are defined: (1). development areas, which is the business district on East Washington Street & the area at Bell Road & 306. (2). conservation areas, the Muggleton property.

Kyle, "The state of Ohio is trying to support local planning priorities & align state spending with your local priorities. This came from Governor Taft, was picked up by Governor Strickland & is coming out of The Ohio Lake Erie Commission."

Kyle, "The state wants to coordinate its spending & regulations with your priorities. It wants communities to designate certain areas & to coordinate with the state if this goes forward."

Kyle, "For South Russell, this is not complicated. Participation means a couple specific things. It opens the Village & your residents up to a series of state incentives. If 75% of the communities in the Chagrin endorse the Balanced Growth Plan, we get an approved stamp from the state. The incentives are available to any community in the Chagrin River Watershed that have gone through this. Participating in the Balanced Growth Initiative by demonstrating priority development areas & priority conservation areas has benefits. They are that your local planning & zoning is now lined up with a state program. It's further support for local planning & zoning. The state is focused on your priorities with the Department of Transportation, Department of Development & other agencies that are on the Lake Erie Commission; straight up points on various applications. SR has already benefited from some of these applications in terms of Clean Ohio & other state funding."

PC discusses. Flaiz, "Is this adding any regulations like putting riparian setbacks on us?" Kyle, "No." Flaiz, "So it has no effect on any of our regulations or zoning." Kyle, "No. This is a voluntary program & absolutely no regulations attached to it."

Ondrey, "Let's say the philosophy changed & the Village wanted to permit very high density development in any of these districts marked green. Will it complicate the Village's ability to control its own zoning if it wanted to do something that is not in the interest of conservation? They might just want more residents." Kyle, "They just wouldn't be open to the incentives. They would have to go back in & change their priority development & conservation areas. This is a fluid document designated by the Village." Ondrey, "So we can amend our areas?" Kyle, "At any time, just like your 208."

Tripp, "I see this as something that could potentially limit what we want to do in SR Village. We have our own plans. We've spent a lot of time working on our zoning regulations. I don't know if I want to do this. Look at what the state has recently done. It took away our right to govern oil & gas well development. We've got houses blowing off their foundations in Bainbridge. What are we doing here? Tell me what the incentive is. We're going to get points to maybe get money."

Brett, "When we went after Clean Ohio, a point makes a difference in these situations. It's a competitive fight for these funds." Tripp, "What are we giving up to get those funds?" Kyle, "Absolutely nothing. There is no regulatory authority behind the Ohio Lake Erie Commission. The Balanced Growth Iniative has no regulatory authority. It is communicating your village planning to the state, endorsing those priority conservation & development areas, which you can change at any time. The other thing that you are getting in addition to incentives is the points. Say for example, we go ahead with the CDD & someone wants to challenge it. They want to do a higher density. Now you've gone through the effort of tying that area to the conservation issues that are there. You've got the weight of the state behind you."

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Kyle sums things up: CRWP prepared the resolution & then ran it by the Ohio Lake Erie Commission to make sure it met what they were looking for in terms of an endorsement. CRWP is looking for 75% of the communities in the watershed to do the required things & endorse the resolution. Aurora has adopted it through their master plan update.

Brett, "I move that Planning Commission recommends this to Council for adoption." DiMichele seconds. Roll call: Flaiz yes, DiMichele yes, Tripp no, Sutliff yes, Brett yes. APPROVED

The next meeting is set for April 17, 2008 at 7:30 P.M. There was no further business. The meeting adjourned at 9:25 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

4-14-08

To: PC
From: Maggie Tomaro

Greetings!

Enclosed is a copy of the minutes from PC meeting on 3-20-08. Please refer to Pp. 6, the bottom. I need clarification.

The next meeting is set for Thursday, April 17, 2008 at 7:30 P.M.

PC will continue to review & discuss the proposed ordinance amending section 4.02 of Chapter 4 "Residential Districts" of the SR zoning code by adding new paragraph 4.02 (j) "Conservation Development District" for the R-1-C & R-1-D zoning districts

Please call me if you are unable to attend the meeting. 338-1807.

Thanks.

Maggie

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
MARCH 20, 2008
7:30 P.M.

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

2. MINUTES: 2-21-2008 **approved as presented**

3. AGENDA:

(a). PC to continue to discuss Conservation Development District CDD: Q & A from PC meeting on 2-21-08, & proposed ordinance amending section 4.02 of Chapter 4 "Residential Districts" of the South Russell Zoning Code by adding new paragraph 4.02 (j) "Conservation Development District" for the R-1-C & R-1-D zoning districts **PC reviewed proposed ordinance, made changes up to Pp. 6, will continue to review document at next PC meeting**

(b). The Balance Growth Plan presented by Kyle Dreyfuss-Wells of the Chagrin River Watershed Partnership
Brett, "I move that Planning Commission recommends this to Council for adoption." DiMichele second. Roll call: Flaiz yes, DiMichele yes, Tripp no, Sutliff yes, Brett yes. APPROVED.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **NEXT MEETING: APRIL 17, 2008 AT 7:30 P.M.**

6. ADJOURN: **9:25 P.M.**

PLANNING COMMISSION
MARCH 20, 2008
7:30 p.m.
WORK SESSION

1. ROLL CALL: **Chairman Walter Sutliff, Mayor Matt Brett, Ike Tripp, Janice DiMichele, Jim Flaiz**

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

   GUESTS: **Kyle Dreyfuss-Wells, Chagrin River Watershed Partners, Inc. CRWP (440) 975-3870**

2. MINUTES: 2-21-2008 **APPROVED AS PRESENTED**

3. AGENDA:
   a.) PC to continue to discuss Conservation Development District CDD: Q&A from PC meeting on 2-21-08 & proposed ordinance amending section 4.02 of chapter 4 "Residential Districts" of the South Russell zoning code by adding new paragraph 4.02 (j) "Conservation Development District" for the R-1-C & R-1-D zoning districts

Review proposed ordinance:

Pp. 1, change 4.01(j) to **4.02 (j)**

Pp. 1, PURPOSES & OBJECTIVES (c) maintain the established density of the Village; Question? Does that put the Village in conflict? Later in the ordinance, it states if you reach a certain number of acres, there is a bonus. Ondrey, "That line is from Gates Mills. I don't think it's a bad thing to leave in there. You are saying a goal is to maintain the established density. It doesn't mean we can't create an exception for it. It won't get us into trouble. **Leave it as it is.**

Pp. 1 PURPOSES & OBJECTIVES: Foley wonders why this is limited to only R-1-C & R-1-D zoning districts. Is there any reason A & B couldn't be included? Brett, "It only fits in those areas, which would be the northeast & south east corner of the Village." Ondrey, "That's the zoning where this might occur."

Pp. 2 (c) DEVELOPMENT AGREEMENT: Sutliff wonders if a hydrologist report or plan should be added. It includes ground water availability & recommendations on community wells, individual wells. Ondrey, "If you want to have one zoning or another, you

do need to demonstrate the water availability. That already is an existing requirement of the overlay zoning for the water. It is in place."

Pp. 2 (c) DEVELOPMENT AGREEMENT, (3) Development Plan. Ondrey, "Development Plan here is their proposed development, which is different then our normal subdivision regs. because they will be under existing zoning. It's not the same thing."

Ondrey refers to Pp. 2 (c) DEVELOPMENT AGREEMENT. "We are going to require:
(9) Covenants & restrictions for the homeowners association or condominium association.
(8) Tree Preservation Plan. We don't have one in our normal subdivision regs.
(7) Stormwater Management Plan. There is to some extent storm water management. It may not be a plan, but you can't get a subdivision approved without demonstrating adequate stormwater management.
(6) Yield Plan. Yield Plan is something unique to this. It shows what you could do under the existing zoning. It is equivalent to a subdivision plan, but under this proposal they have no plans to develop it that way. We require them to show, what is the best you can do under existing zoning?

(8) Tree Preservation Plan. Question. Why? Ondrey, "Let me make a guess. The CRWP had a hand in developing this & that's a huge part of their program. You preserve trees, you're helping to eliminate some of the erosion & surface water drainage problems into streams & rivers. It seems to me it's part of this package of concept. We are trying to give an option for a different type of development where there will be more open space, possibly more trees."

PC discusses. Concerns raised: cost, developers have to do many things to get CDD approved, developer may decide to do traditional development (bowling alley lots)
PC agrees to omit: Pp. 2 (8) Tree Preservation Plan, Pp. 3 (j) TREE PRESERVATION PLAN, Pp. 10 (8) Tree & woodland evaluation

Pp. 2 (f) IMPERVIOUS COVER. 'Any paved, hardened or structural surface… including swimming pools.' Pp. 6(k) Impervious Cover; 'impervious cover shall not include ponds.' Question. Why is there a difference? Kyle, "A swimming pool is impervious surface. There is no infiltration. Ponds are exempted from the calculation of impervious cover, the idea is that they are (?)"

Pp. 3 (5) ACCESSORY USES, (b) Accessory uses & structures shall be combined & minimized so that there will be fewer accessory uses… in a traditional development. Sutliff thinks it is generic. Questions. How is this enforced? Why would there be fewer then the traditional development? Kyle, "In Gates Mills & Hunting Valley, the discussion was PC & ABR are approving a development plan. They can make comments. You want to get away from subdivisions where everyone has a pool & tennis court in their backyard. But, you don't want to be too restrictive. You want to give the developer enough flexibility to give him the kind of product that he wants. This goal was to minimize that that can happen without being restrictive. There are limitations in (c) (d) (e) Pp. 4"

Hocevar, "Under our zoning now, a pool is an accessory structure. In (e) pp.4, do we want to limit swimming pools? If we run some calculations, with a 1¼ acre lot, you can't have a swimming pool. Is that what that is saying?" Brett, "It depends how many are in there. Possibly." Hocevar, "If you take a 30 acre parcel & 15 acres are in CD, you've got 12 homes there; 1¼ acre for each home. Do you want to take that 1¼ acre & tell them they can't put a pool on it?" Kyle, "I understand your calculation from the way we have it in (e). You can have 2 pools." Hocevar, "No, what I'm saying is that in (e) you can't have a pool on 1¼ acres." Kyle, "The idea is that these units are grouped & they are sharing facilities." Tripp, "So you could have 2 pools on 12 acres." Kyle, "Right; that people share in common."

Hocevar, "If they are single family homes on 1¼ acre lots, you're telling these people they can't have a private pool in their backyard." Kyle, "Yes. That's the idea to limit it. The intent is to not have every home have its own swimming pool." Hocevar, "Telling somebody with a 2 million dollar home they can't have a swimming pool because we've got too many in the neighborhood already – I want everyone to understand." DiMichele, "They could have one, but 5 other neighbors can't. I think it's very restrictive." Hocevar, "I don't know if we want to go that route."

Tripp, "It goes to the heart of the issue about impervious cover." Hocevar, "It still takes a lot to cover that percentage for impervious cover. You could put a nice size home there, a swimming pool & still come within our coverage there. Newer homes: Ashleigh has 2 pools. Fox Run has 2. People are starting to put swimming pools in more now then in the last 10 years. They may never do it. But, I don't know if we want to restrict that person, saying we don't want swimming pools in your yard. So what if you built a 2 million dollar home on 1¼ acres?" Kyle, "It is clearly the intent. It is one of the motivating intents of this code in Gates Mills & Hunting Valley is that people had one big nice pool as opposed to 12 little pools. That's the intent. If you want to just set the overall impervious cover limit & let them play within that impervious cover (...?) I think the idea that you have the subdivision spread out & everybody has their own individual accessory structure, that's one of the problems with traditional design."

PC discusses. Concerns: someone asks for & is granted approval to have a swimming pool or tennis court. Years latter new family purchases house in the development, asks to have swimming pool or tennis court & is denied. Question. How does the Village determine who gets the pool or tennis court? Kyle, "They have to bring you a workable development plan. You approve all of that at the time you approve the development plan."

Hocevar, "Above ground pools aren't accessory structures. They are a temporary storage.

Pp. 3 (b), Pp. 4 (c) (d) (e) leave them as they are.

Clarification: Kyle, "This is not a zoning district. You're not getting a change in zoning. South Russell intends for this to be an overly to its zoning." Correct. Kyle points out that the term 'Conservation Development District' is used throughout this proposed ordinance i.e. in the title, Pp. 1, 4.02 (j), Pp. 1 (1), Pp. 1 (2) (a) & continues through out the document. Ondrey, "That's the big difference between this & the model from Gates Mills. It may be a little misleading to call this a district because it's not a zoning district. The zoning stays R-1-C & R-1-D. I can't advocate too strongly to use the phrase Conservation Development District. I thought it was handy as a shorthand way to characterize this." **No decision by PC to change it or leave it as it is written. Question. Need to address this before the proposed ordinance is retyped & forwarded to Council?**

Clarification: Kyle, "My approval of my development plan expires. The land reverts back to its underlying zoning." Ondrey, "I would say that's a fair conclusion." Foley, "Does this carry with ownership? Or does overlay zoning disappear if I were to sell the property?" Ondrey, "After your plan has been approved?" Foley, "Right." Ondrey, "I believe once it's approved, it would go with the land, even if the original guy who gets it approved turns around & sells it to somebody else." Foley, "Consider a conditional use permit." Ondrey, "Traditionally they are good for the individual who applied & has been approved. If they want to sell it, they have to come back to PC to make sure that the new owner of that particular use gets approved by you also. We could do it that way. Hunting Valley & Gates Mills does not address that. It seems to me as long as you like the plan, as long as there is adequate bonding put in place for the improvements, I'm not sure why we care if it's Joe or Pete actually doing it."

Time limit: Tripp expresses concern if there is no time limit. "Most developers now have to buy a lot, build your house within a year. You can't go to the Corps of Engineers & get a remediation permit to remediate a wetland & not do it within a year. If you don't do it, you've got to do all the engineering & all the studies all over again." Flaiz, "Approval expires within a year unless an extension is granted by PC." Ondrey, "You are talking about a cluster development. That's pretty tough to say you're going to get that completed within a year. What is a reasonable time to get it started? To get it completed? What's the difference if they don't build it for 10 years?" Foley, "How about a time for completing it? If they start it, there is a time frame to complete it." There are no time limits on traditional subdivisions. **Decision: No time limits**

Pp. 4 (6) DEVELOPMENT STANDARDS. (b) Restricted Open Space (2) 'The restricted open space shall be made… the Village with the right, but no obligation, to enforce the provisions.' Pp. 9 (14) COMPLIANCE REQUIRED (b) "When the Building Inspector determines that a proposed plan…may not be in compliance… he shall take appropriate action.' Question. Are these two different things? One we don't enforce. Two we do enforce. Brett refers to Muggleton property (972 Bell Rd.) "Western Reserve Land Conservancy is the holder. They can enforce that it stays the way we dedicated that property. They hold it & they are responsible for enforcing it." Kyle, "The goal behind Pp. 4(6)(b)(2) is that there is a second chance on a conservation easement. The biggest concern that

residents have about this kind of development is that 100 years from now, someone will build in a conservation area. This says the Village is also party to that easement Even if Western Reserve Conservancy goes belly up, the Village could step in & take over the easement; the back up team."

Pp. 5 (5) DiMichele, "'No portion of any privately owned building lot.' At one time, we talked about not having defined lots. If there are no defined lots, how does this get calculated?" Ondrey, "I don't know that we excluded the notion that there aren't going to be building lots. I think we said the parameters of those lots might not be the same as you have in a traditional subdivision. I'm not clear as to what the purpose of the restriction is." Kyle, "If you choose to go with HOA & have lots, people have land that they own. You can't count somebody's yard in the protected open space. The only thing that can be in the protected open space is that chunk of land which is owned by the HOA or owned by the condo association. In CD, folks will try to count the setback around the parameters as low quality open space. That's one of the faults that CD has run into in the past. The purpose of this is if a person is going to privately own the land & it's in their yard, it's not part of that conserved area. If you choose to go condo, this won't be an issue. If you choose to go lots, then it will."

Pp. 5 (f) Setbacks & Separations (1) 'No building…shall be located closer than 200' to …existing public street.' In South Russell, that is Bell Rd. Kyle, "If you are going to group these homes, you want to push them back so the neighboring property owners aren't affected. It might not be the same issue in the northeast quadrant." Foley, "You have other geologic reasons that 200' is not a good criteria. You want to preserve some of the most sensitive area (in the back). You need to move them forward."

Hocevar, "Ours is 75' plus the right-of-way. So, it's 100'. This Pp. 5 (f) (1) is more restrictive. I don't think it's a bad idea so it's not all up at bell Rd. **PC decided to change 200' to 100'.**

Pp. 5 (3) A, Ondrey verbalized concern. "We're saying there's got to be 50' between buildings & the edge of easement of any spur road. I thought spur roads almost act like drive ways. Is it practical to bump a building back 50' from a spur road?" Hocevar, "In Emerald Lakes, it's 25'."

PC discusses Pp. 5 (f) (3) A. B. Pp. 6 C. **A is to be changed to:** 50' for **any dwelling. Eliminate B. & C.**

Pp. 6 (g) Architectural Design. Brett wonders why the developers are going to the ABR at this stage of the process. Ondrey explains that in Gates Mills it is the discretion of the PC to refer the proposed conservation development plan to the ABR. If SR is going to require a cohesive design concept, involve the ABR from the get go. Ondrey, "What I'm trying to avoid is that PC approves it & it goes to ABR. What if they have a serious objections to the design & architecture?" Hocevar, "ABR has never been involved in any subdivision we've put in." PC discusses.

Pp. 6 (7) APPLICATION REQUIREMENTS & PROCEDURES; Pp. 7 (4) Referral to ABR. 'Preliminary approval of that board must be secured in advance of action by PC.' Kyle, "Numbers one through six (Pps.1-6) is setting up all the requirements. Then numbers seven & on (Pps. 6-12) is saying how this is going to fall into place. All (g) Pp. 6 says is it has to have a cohesive character & that cohesive character has to be reviewed by ABR. It's very important because you are clustering things together & you don't want to have a Wild West look; different kinds of homes where you have a Mediterranean next door to a French Normandy. You don't want to have it. They are too close together. You can see this in Sterling Lakes in Pepper Pike. They had very strict design standards. I think having ABR early on in this process is important. You are approving a development plan. They are going to show you elevations of these buildings. Pp. 6 (g) sets up the standard & then Pp. 7 (4) says who comes in & when."

Brett, "Good point if they are clustered. But, it could be a typical development. Under that scenario, it wouldn't be very different from Kensington Green. We didn't make anybody go through ABR in the process of putting in the development." Ondrey questions whether PC wants cohesive design requirement. Hocevar, "In the past any subdivision, even Manorbrook, we never had anybody go before ABR & showed characteristics of the building. They were footprints. As it progressed, PC approved it & then it went onto ABR to look at it."

Kyle, "When PC is reviewing the development plan, do you just want to see a site plan, which will be lines on the paper showing where the homes & waste water would go? Or do you actually want to see elevations of the type of buildings that would get built there?"

Pp.6 (g) Architectural Design. Eliminate last sentence, 'All buildings & structures within…to the requirements contained in Section_____.'

Pp. 6 (i) Fire Protection. Hocevar, "The average fireman gets carried away with what he wants. If there is a way to have him look at it, but I don't think we should lock everything down for his approval." **Eliminate last part of sentence. Sentence reads, 'shall conform to the standards & specifications of the Village.'**

Pp. 6 (k) Impervious Cover, 10% & Pp. 5 (d) Maximum Impervious Cover, 12%. Kyle, "5d is 12% for a single family dwelling if you bunch it together. That was trying to control coverage of each individual dwelling. The idea is if there are lots, it couldn't be anymore then 12% for a single family dwelling. But, the overall impervious cover of the whole development is 10%." **Change Pp. 5 (d) to Maximum Building Ground Coverage then add the info. from the Hunting Valley Code, Pp.4 (d) 'The maximum building ground coverage for a single-family dwelling shall be… units shall be 10,000 square feet.'**

*****PC SECRETARY NEEDS CLARIFICATION: SECRETARY IS NOT SURE IF THE HUNTING VALLEY (d) MAX. BUILD. COVERAGE IS TO BE INSERTED AS IT IS WRITTEN IN THE HV CODE OR WAS IT TWEEKED TO MEET SOUTH RUSSELL'S NEEDS?

Pp.6 (j) Lighting. PC approves lighting of commercial plans. There is no lighting plan in SR for residential development. **Hocevar will look at other communities to see what their lighting restrictions are.**

PC stops reviewing proposed ordinance. Next meeting will continue; will start on Pp. 6 (7) APPLICATION REQUIREMENTS & PROCEDURES

b.) The Balanced Growth Plan, presented by Kyle Dreyfus-Wells of the Chagrin River Watershed Partners, Inc.

Handouts: Chagrin River Watershed Partners, Inc. Balanced Growth Plan January 2008
Balanced Growth Resolution Draft for Review & Comment March 20, 2008
Maps: 1. SR Village, draft priority Conservation Areas
2. SR Village, draft priority Development Areas

Brett explains if the Village were to adopt a balanced growth program, it would put SR in a position to earn funding dollars. The state may give a stamp of approval in support of our zoning. Two areas are defined: (1). development areas, which is the business district on East Washington Street & the area at Bell Road & 306. (2). conservation areas, the Muggleton property.

Kyle, "The state of Ohio is trying to support local planning priorities & align state spending with your local priorities. This came from Governor Taft, was picked up by Governor Strickland & is coming out of The Ohio Lake Erie Commission."

Kyle, "The state wants to coordinate its spending & regulations with your priorities. It wants communities to designate certain areas & to coordinate with the state if this goes forward."

Kyle, "For South Russell, this is not complicated. Participation means a couple specific things. It opens the Village & your residents up to a series of state incentives. If 75% of the communities in the Chagrin endorse the Balanced Growth Plan, we get an approved stamp from the state. The incentives are available to any community in the Chagrin River Watershed that have gone through this. Participating in the Balanced Growth Initiative by demonstrating priority development areas & priority conservation areas has benefits. They are that your local planning & zoning is now lined up with a state program. It's further support for local planning & zoning. The state is focused on your priorities with the Department of Transportation, Department of Development & other agencies that are on the Lake Erie Commission; straight up points on various applications. SR has already benefited from some of these applications in terms of Clean Ohio & other state funding."

~~Kyle, "We've pulled together some draft priority areas for development.~~

~~Mar~~ PC discusses, question.

Ondrey, "Let's say the philosophy changed & the Village wanted to permit very high density development in any of these districts marked green. Will it complicate the Village's ability to control its own zoning if it wanted to do something that is not in the interest of conservation? They might just want more residents." Kyle, "They just wouldn't be open to the incentives. They would have to go back in & change their priority development & conservation areas. This is a fluid document designated by the Village." Ondrey, "So we can amend our areas?" Kyle, "At any time, just like your 208."

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Brett, "I move that Planning Commission recommends this to Council for adoption." DiMichele seconds. Roll call: Flaiz yes, DiMichele yes, Tripp no, Sutliff yes, Brett yes. APPROVED

The next meeting is set for April 17, 2008 at 7:30 P.M. There was no further business. The meeting adjourned at 9:25 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

P.C. H.V. Lighting
4-2008, 5-2008

DEFINITIONS.

As used in this chapter:

(a) "Aiming Angle" when applied to exterior lighting, this term is correctly used only with directional lighting systems. In this case, the aiming angle is the angle between the center of the object or area being lighted and the point on the ground directly beneath the luminaire.

(b) "Exterior Lighting System" means an installation of lamps, luminaires, electrical wiring, controls and mounting hardware (such as poles or brackets) designed to illuminate outdoor areas, landscape or buildings.

(c) "Floodlight" means a type of directional luminaire or lamp which may be adjusted on site to project and direct light out and away from the mounting location. Floodlights are typically designed to illuminate relatively large areas.

(d) "Fluorescent Light Source" means a low pressure gas discharge lamp in the form of a bulb or tube which utilizes a phosphor as the light-emitting element.

(e) "Full Cut-off Luminaire" means a type of fixed directional outdoor luminaire which emits no light above a horizontal plane through the optical center of the luminaire or, alternatively, above an angle of 90 degrees where 0 degrees is the aim point on the ground directly beneath the luminaire.

(f) "Fully Shielded Luminaire" means a luminaire equipped with opaque hoods, louvers or visors so as to completely block the light from going in other than a specified direction.

(g) "Glare" means the visual sensation produced by brightness in the field of view that is sufficiently greater than the light level to which the eyes are adapted so as to cause annoyance, discomfort or loss of visibility.

(h) "Halogen Light Source" means an incandescent lamp with a halogen gas filling typically designed to increase energy efficiency and lengthen lamp life compared to standard incandescent lamps.

(i) "HID Light Source" means a lamp which utilizes a small gas arc discharge or "high intensity discharge" as the light emitter. Examples of HID light sources are mercury, metal halide and high pressure sodium lamps.

(j) "Incandescent Light Source" means a lamp containing a tungsten wire filament heated to a high temperature as the light-emitting element.

(k) "Lamp" means a bulb, globe, tube or capsule, usually formed out of glass, containing an electrical and physical assembly of materials designed to convert electricity into light.

(l) "Light Pollution" means wasted light directed into the sky which results in sky glow and the loss of the natural beauty and visibility of the sky and stars.

(m) "Light Source" means the light emitting portion (filament, arc tube or element) of a lamp.

(n) "Light Trespass" means outdoor lighting which emits unwanted light or glare beyond the boundaries of the property on which it is located.

(o) "Lumen" means the unit measure of light flux or light output from lamps and luminaires.

(p) "Luminaire" means a complete lighting unit typically consisting of all electrical and mechanical parts necessary for operation including a lamp, ballast (in the case of discharge lamps), optical assembly and enclosure.

(q) "Luminaire Mounting Height" means the vertical distance between the ground and the optical center of the luminaire in an outdoor lighting system.

(r) "Optical Center of Luminaire" means the point inside of a luminaire at the middle of the light emitting area of the light source.

(s) "Recreational Lighting" means lighting of ball fields, courts, pools, playgrounds, and/or other outdoor sports, play, or recreational areas other than those accessory to single family residences.

(Ord. 2001-147. Passed 6-11-02.)

1161.02 PURPOSE AND INTENT.

(a) This chapter is intended to preserve and protect the nighttime lighting environment for residents and to maintain the established rural village atmosphere of the community by controlling the installation and use of exterior illumination to prevent glare from bright light sources, light trespass (unwanted light or glare on neighboring properties) and light pollution (wasted light directed into the sky which results in sky glow and the loss of the natural beauty and visibility of the sky and stars).

(b) This chapter is intended to regulate exterior illumination to ensure it is functional, glare-free, energy efficient and safe. Owners and designers are to consider the impact of their lighting on their neighbors' properties and to minimize that impact in the design phase.

(c) The specific goals are to:

(1) Preserve the nighttime rural-village atmosphere of the community;

(2) Prevent glaring and offensive lighting;

(3) Conserve energy and encourage the use of efficient lighting technology;

(4) Promote safety;

(5) Prevent light pollution;

(6) Provide clear guidance to builders, contractors and residents;

(7) Minimize environmental impacts on light sensitive flora and fauna.

(Ord. 2001-147. Passed 6-11-02.)

1161.03 APPLICABILITY, NON-CONFORMING LIGHTING AND COMPLIANCE.

(a) New Construction. All construction initiated after the effective date of this legislation must meet the requirements set forth herein and shall be reviewed for compliance with the provisions hereof by the Architectural Board of Review. Supporting documentation may be required which specifies lamp wattage, luminaire description, mounting height and arrangement, shielding and placement details. A "Full Lighting Plan" shall be required as specified in Section 1161.03(a) and shall be provided to the Architectural Board of Review as part of the permitting process.

(b) Existing Exterior Lighting. Existing exterior lighting that does not conform to the requirements of this legislation shall be brought into compliance as part of any addition to, modification of, and/or replacement of such lighting, except as provided in subsection (c) hereof.

(c) Permits. The Building Inspector may issue permits for minor replacements or extensions of exterior lighting systems without requiring a Full Lighting Plan and evidence of conformance provided that:

(1) The residential lighting system was in existence prior to the effective date of this regulation;

(2) The total initial lumen rating of the proposed improvement does not exceed 2,500 lumens; and

(3) Not more than one such permit shall be issued per residential property per each 365 days.

(d) Lighting Nuisance. Exterior lighting which does not comply with this regulation is declared to be a public nuisance. Upon receipt of a lighting complaint the Building Inspector shall investigate to determine compliance. If lighting is found to be in violation of these provisions the Building Inspector shall proceed as set forth in Section 1161.09.

(Ord. 2001-147. Passed 6-11-02.)

1161.04 GENERAL REQUIREMENTS

(a) Lighting Plans. Full lighting plans shall be required prior to the installation of any lighting improvements or fixtures. Lighting plans shall show the following:

(1) The location and height above grade of the luminaires.

(2) The wattage and type of each light source such as incandescent, fluorescent, metal halide, etc.

(3) The general type and appearance of each luminaire such as lantern, globe, floodlight, full-cutoff area luminaire, wall pack, downlight, etc.

(4) Calculated or manufacturer-rated numerical values of total light output (lumens) of the luminaire or luminaires and the light output above a horizontal plane through the optical center of the luminaire if the light output per lamp is greater than allowed by this regulation.

(5) Building walls to be illuminated by wall mounted or facade-mounted luminaires in conformance with Section 1161.04(c) including relevant building elevations showing the location of the luminaires, their aiming direction and aiming angle (if directional), the portions of the building walls to be illuminated, and their color.

(b) Light Trespass. An exterior lighting system is considered to produce excessive light trespass when the light source (the light emitting portion of the lamp) is visible from normal viewing positions on an adjoining property and the maximum light output per lamp is greater than allowed by Section 1161.05.

(c) Light Pollution. An exterior lighting system is considered to contribute excessively to light pollution when light is emitted above a horizontal plane through the optical center of the luminaire and if the maximum light output per lamp is greater than allowed by Section 1161.04.

(d) Glare. An exterior lighting system is considered to produce glare when the light source inside the luminaire is visible as seen from normal viewing positions whether or not the light from the source is diffused or refracted by lens optics, and the light output per lamp is greater than allowed by Section 1161.05.

(e) Lighting Controls. To minimize the amount of light trespass, light pollution, excess lighting and energy use at night, unnecessary lighting shall be switched off. The use of photocell or photocell/timer switches which allow lighting to operate all night is prohibited. Motion sensor switches which turn lights on only when activated by motion and only for a set period of time after motion ceases are permitted.

(Ord. 2001-147. Passed 6-11-02.)

1161.05 RESIDENTIAL LIGHTING.

The following lighting standards shall apply to residential property.

(a) The total light output of all exterior lighting shall not exceed 75,000 lumens for any residential property. Total lumens shall be calculated by adding the manufacturer's initial lumen rating for each lamp type to obtain a total lumen value. For lots or parcels in excess of ten (10) acres, the Architectural Board of Review may authorize additional illumination as provided in Section 1161.07(c) hereof, provided, however, that in no instance where such special exemption is granted shall the amount of light output exceed 1.0 lumens per square foot of the total illuminated area as determined by the Board.

(b) All exterior lighting shall be designed and installed to avoid glare and light trespass on adjoining properties and public rights of way.

(c) Wall or Facade Mounted Lighting. Wall mounted fixtures and/or facade mounted luminaires shall be used solely for illuminating entrances and walkways and shall not be used or designed for building architectural illumination.

(d) Driveway Lighting. Driveway and parking area lighting shall be limited to low- mounted luminaires only. Low-mounted lighting is defined as lighting where the optical center of the luminaire is no more than 2 feet above driveway grade.

(1) If lanterns or unshielded luminares utilizing clear, diffusing or prismatic lenses are installed, the incandescent lamp wattage is limited to 25 watts per enclosure or the equivalent light output for other light sources.

(2) If fully-shielded luminares are installed, the incandescent lamp wattage is limited to 40 watts per enclosure or the equivalent light output for other light sources.

(3) The maximum incandescent wattage allowed per linear foot of driveway for lighting is 0.75 watts or the equivalent light output for other light sources.

(e) Area Lighting. Floodlights and spotlights may be permitted for the purpose of illuminating tennis courts or other permitted uses or activities in compliance with the following:

(1) Luminaires shall be mounted at 30 feet or less measured from the optical center of the luminaire to grade directly beneath the luminaire.

(2) Lamp wattage is limited to 90 watts of incandescent or halogen incandescent reflector ("PAR") type lamps or equivalent per socket and no more than three sockets per mounting location.

(3) The lighting shall be designed and operated to provide the minimum and no more than 1.5 times the minimum maintained illumination values recommended for the application by the Illuminating Engineering Society of North America as expressed in the IESNA Lighting Handbook (current edition) or current Recommended Practice for the application.

(4) Such lighting shall not be operated between midnight and 9:00 a.m.

(f) Landscape Lighting. Landscape lighting is defined as lighting installed and arranged to primarily illuminate "softscape" such as bushes, trees, vines, shrubs and flowers or "hardscape" such as terraces, fences, bridges, walls (non-building), sculpture, water features, ornaments, and formed earth shapes. Landscape lighting may be automatically or manually switched provided that the operating period extends only from dusk to midnight.

(g) House Numbers, Identification Signs. House numbers, identification signs, and entrance gates may be illuminated internally or externally, provided that lamp wattage is limited to 30 watts of incandescent or the equivalent light output using other types of light sources.

(h) Private Streets. There shall be no lighting of private streets.

(Ord. 2001-147. Passed 6-11-02.)

1161.06 NON-RESIDENTIAL LIGHTING.

Non-residential lighting includes exterior lighting installed on institutional properties for area lighting, safety lighting, entranceways, walkways, service areas, driveways, parking areas and recreation. Non-residential lighting shall comply with the following criteria:

(a) The total output of all exterior lighting shall not exceed 1.5 lumens per square foot of area to be illuminated as determined by the Architectural Board of Review.

(b) Pole heights shall be limited to 30 feet including base structures.

(c) Only full cut-off or fully-shielded luminaires shall be used.

(d) Recreational lighting shall be prohibited.

(Ord. 2001-147. Passed 6-11-02.)

1161.07 PROHIBITED LIGHTING.

This section identifies lighting applications which cause glare, decrease visibility, produce unattractive lighting environments or excessive light trespass or light pollution. These applications are prohibited.

(a) Roof Lights. Luminaires shall not be mounted to the tops of building roofs.

(b) Unshielded Light Sources. This type of lighting is prohibited except as described in Section 1161.05 (d)(1)

(c) Building Illumination. The floodlighting of buildings utilizing luminaires designed, installed and aimed for such purpose is prohibited.

(d) Changing Lights. Lights which flash, move, blink, flicker, vary in intensity or change color are prohibited from being installed on buildings or grounds except as provided in Section 1161.08(a).

(e) Types of Lamps. Mercury and low pressure sodium (LPS) discharge lamps are prohibited because of their poor color qualities.

(f) Architectural Lighting. Linear lighting such as "rope" light or high-voltage (neon) tubing is prohibited. Facade lighting designed primarily to attract attention or which is used as a means of identification or advertising is prohibited.

(Ord. 2001-147. Passed 6-11-02.)

1161.08 EXEMPTIONS.

(a) Holiday Lighting. Winter holiday lighting which is of a temporary nature and which is illuminated only for one period not exceeding forty-five (45) consecutive days per each 365 days.

(b) Municipal Lighting. Lighting which is installed for reasons of public health, safety and welfare is allowed.

(c) The Architectural Board of Review may authorize specific exemptions when the Board determines that there will be no adverse impact resulting from the lighting and that such lighting is consistent with the spirit and intent of this chapter.

(Ord. 2001-147. Passed 6-11-02.)

1161.09 ENFORCEMENT.

(a) Violation. The Building Inspector shall promptly examine or cause to be examined every alleged condition or perpetration in violation of this chapter and, if such violation exists,

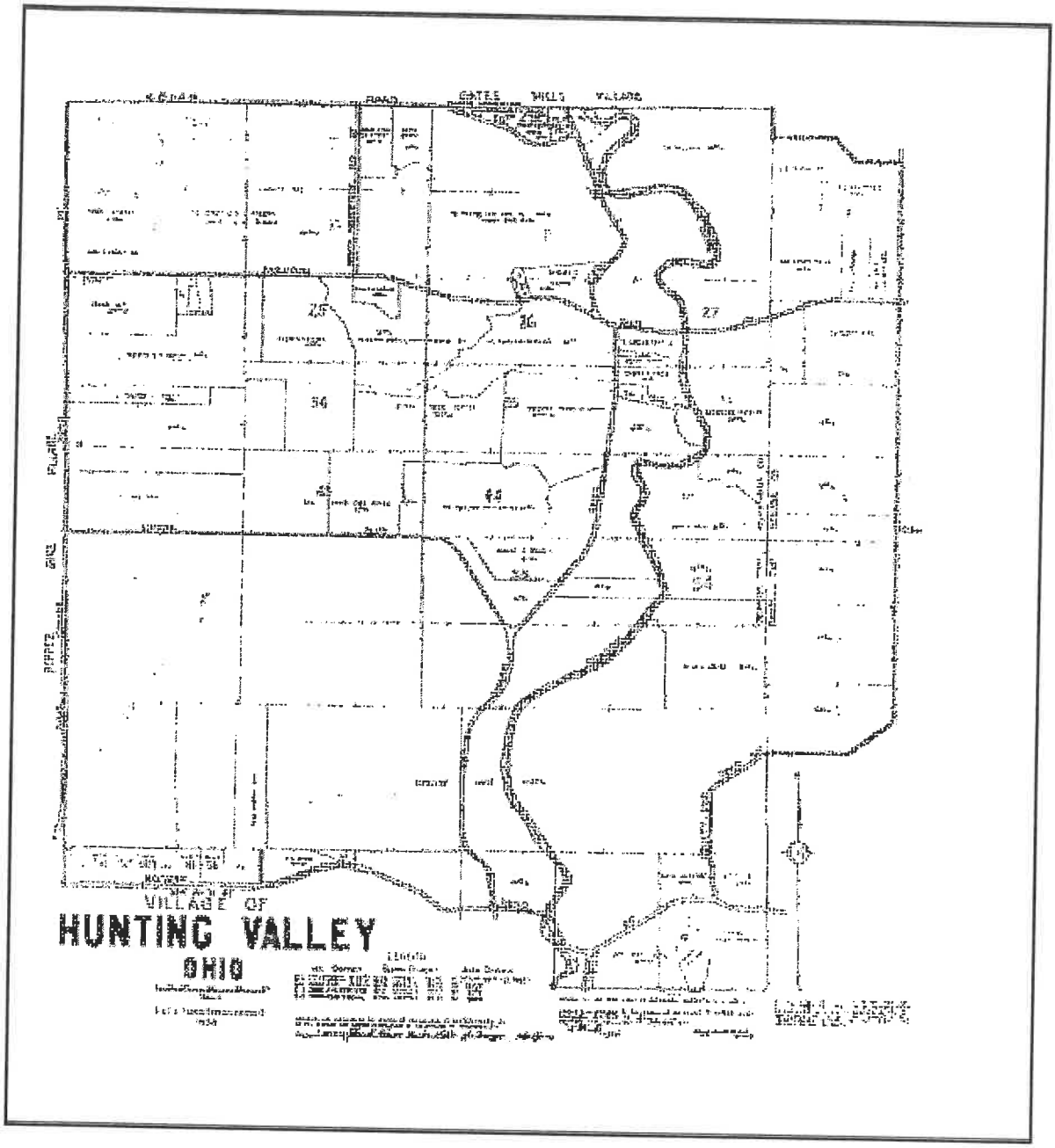
shall immediately give written notice of such violation, directing the owner, lessee, tenant or person responsible for such violation to make such changes, alterations or repairs as shall satisfy the requirements hereof. If necessary to secure compliance, the Building Inspector may further cause the prosecution of the person responsible for such violation.

(b) Appeals. Within ten (10) days of receipt of a Notice of Violation from the Building Inspector, the owner, tenant, lessee or person responsible may file a Notice of Appeal of such determination with the Building Inspector. Upon receipt of such Notice of Appeal, the Building Inspector shall refer the matter to the Planning and Zoning Commission which shall hear the matter within sixty (60) days of receipt of such appeal by the Building Inspector. The Planning and Zoning Commission shall have the authority to affirm, modify, or reverse the determination of the Building Inspector regarding the existence of violations. The decision of the Board shall be final.

(c) Penalties. Persons and corporations who or which shall violate any of the provisions or requirements of this chapter, or fail to comply therewith, or who shall construct or install lighting improvements in violation of any detailed statement of specifications or plans submitted and approved thereunder, shall, for each violation or noncompliance, be guilty of a misdemeanor and shall be fined not more than five hundred dollars ($500.00), and each day during which any such person continues to violate any provision of this chapter or fails to comply therewith or any of the requirements thereof, after having been notified of such violation or failure to comply, shall constitute a separate offense.

(Ord. 2001-147. Passed 6-11-02.)

ZONING MAP



CODIFIED ORDINANCES OF HUNTING VALLEY

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION MEETING
APRIL 17, 2008
7:30 P.M.

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

2. MINUTES: 3-20-08 **amended & approved**

3. AGENDA:

PC will continue to review & discuss the proposed ordinance amending section 4.02 of Chapter 4 "Residential Districts" of the SR zoning code by adding new paragraph 4.02 (j) "Conservation Development District" for the R-1-C & R-1-D zoning districts **Brett, "I make a motion that we adopt the Ordinance Amending Section 4.02 of Chapter 4 "Residential Districts" of the South Russell Zoning Code as we have worked through the details during the last two Planning Commission meetings." Tripp second. Roll call. All ayes. APPROVED**

4. OLD BUSINESS:
-The Balanced Growth Iniative was introduced to the Council at its meeting on 4-14-08. Council will address it at its next meeting.
-Septic/sewers: (1). Sunridge, opinion poll: 31 parcels, 24 responses, 16 for septic, 8 for sewers, decision: not moving forward
(2). Maple Hill Dr. opinion poll: 41 parcels, 37 responses, 26 for sewers, 10 opposed sewers, 1 either decision is ok, 4 didn't vote. Next Council meeting will discuss whether South Russell will move forward or not.

5. NEW BUSINESS: **NEXT MEETING: May 15, 2008 at 7:30 p.m.**

IF YOU PLAN TO ATTEND THE SR APPRECIATION LUNCHEON ON 4-27-08, 1:00 P.M. AT PUNDERSON ----- PLEASE RSVP TO DANIELLE AT: 440-338-6700 XT. 222

6. ADJOURN: **9:00P.M.**

VILLAGE OF SOUTH RUSSELL
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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
APRIL 17, 2008
7:30 P.M.
WORK SESSION

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

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

GUESTS: Kyle Dreyfuss-Wells, Chagrin River Watershed Partners, Inc.
CRWP (440) 975-3870
David Withrow, 206 Fox Lane

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from March 20, 2008 were amended & approved.

PC will continue to review & discuss the proposed ordinance amending Section 4.02 of Chapter 4 "Residential Districts" of the SR zoning code by adding new paragraph 4.02 (j) "Conservation Development District" for the R-1-C & R-1-D zoning districts

Ondrey, "This is not a rezoning. We are creating the ability within these two zoning districts for somebody to apply for a conservation development." Foley, "I think that this document should make reference to the subdivision regulations in terms of procedures & details. Make reference to the standards that we already have in place & that we are going to use them. A lot of the language as we go through here is redundant." PC agrees.
Continue to review the proposed ordinance:

Pp. 6 (7) APPLICATION REQUIREMENTS & PROCEDURES: **No changes**

Pp. 7 (4) Referral to ABR. PC discusses. Hocevar explains that ABR is involved "only with single family dwellings. Until then, it's up to the PC. Site layout, lot layout, what they are going to do comes through zoning for our (Building Dept.) approval for the lot coverage, side yard, rear yard setbacks. To get a building permit, the ABR will review a single family dwelling."

Brett, "Current process for a subdivision: developer creates a design with layout of lots, submit it to PC, PC gives approval, developer goes before ABR with drawings for a home when he is ready to build.

Pp. 7 (7) (4) ABR. **Change** word, must, to **may** be secured… This allows the developer to go to ABR earlier in the process, but it is not mandatory that the developer sees the ABR at this point in the process.

Pp. 7 (7) (b) Section 1151.04 & (1) Section 1160.16: **Ondrey will correct & verify.**

Pp. 7 (8) (a) **Change** Building Inspector to Building **Commissioner. Change it wherever else it appears in this document.** Last sentence**, change** word shall, to **may** refer the submittal…

Pp. 8 (10) ABR. **Change** sentence to start: **If referred to ABR,** the Board shall…

Pp. 8 (11) (a). **Change** the word shall to **may** take into consideration…

Pp. 8 (11) (b). **Change** Building Inspector to **Commissioner.**

Pp. 8 (11) ©. Village Council shall act **ADD: by motion** upon the preliminary…

Pp. 8 (12), Paragraph (17) below submitted to, **change** Village Council to **Planning Commission** for review… **Change** (10) to **(30). Eliminate** the word, **working & change** Village Council to **Planning Commission**

Pp. 9 (13) last sentence, Village Council shall act **ADD: by motion** upon each…

Pp. 9 (14) (b). **Change** Building Inspector to **Commissioner.**

Pp. 9 (15) ©. Question. Why have impervious cover here? Kyle, "Somebody can't come in with an approved development plan & then 3 years latter come back & say we want to put in another accessory building, which would take the overall impervious cover up to 15%. The selling point of this code to your residents is that you get a big chunk preserved & you have limited impervious cover." **Decision: leave it as it is.**

Pp. 10 & Pp. 11 (16) (8). **On 3-20-2008 PC eliminated all of 8, which included 8A, B, C, D.**

Pp. 10 (16) (7). At the end of the sentence, **eliminate the word, and;**

Pp. 10 (16) Submittal Requirements. Question. Should a hydrologist report be required here? Should developer submit ground water availability information? Ondrey to Hocevar, "If it was in where the overlay district is, they have to do that anyway." Hocevar, "Correct." Ondrey, "If a cluster home proposal, a conservation development district proposal came some where else other then where the water overlay is now, there is no requirement that they provide any water testing. Right?" Hocevar, "Not in black & white. It is usually Planning Commission's recommendation." Sutliff, "With cluster homes, I think Eckstein or placement of wells or one well serving 3 dwellings…" Foley, "I would suggest we put it on Pp. 11 (b) Preliminary Development Plan. There are some conditions there. Under Pp. 11(b) (5), it talks about existing & proposed water facilities. PC discusses. Ondrey, "**PC may require the applicant to demonstrate**

adequate water supply." PC agrees. **Ondrey will decide where it will be inserted in proposed ordinance.** Flaiz recommends that people are made aware "right off the bat" that a water report may be expected. PC discusses.

Pp. 10 (16) (a) (8) **Add: to be submitted a hydro geological report regarding ground water availability.**

Pp. 11 (b) Preliminary Development Plan:
(6) **eliminate words on site**
(8) Architectural **ADD: concept** plans of… & structures; **Add: if required by PC**
(9) **eliminate, all access drives. Insert: roadways**

Pp. 11 (17) (b) Final Development Plans **ADD: shall conform to SR subdivision regulations** …

Pp. 11 (17) (b) (1) & the location of fire hydrants **Add: & the location of proposed wells & aquifer formation for such wells**

Pp. 12 (17) (2) **eliminate Tree Preservation Plan**

Pp. 12 (18) following the last sentence, **ADD: Such inspections shall be extended to all improvements regardless of final ownership.**

Brett, "I make a motion that we adopt the Ordinance Amending Section 4.02 of Chapter 4 "Residential Districts" of the South Russell Zoning Code as we have worked through the details during the last two Planning Commission meetings." Tripp second. Roll call. All ayes. APPROVED

A presentation about CDD will be made to Council by Kyle Dreyfuss-Wells.

OLD BUSINESS:

Brett: The Balanced Growth Iniative was introduced to Council at its meeting on 4-14-2008. Council will address it at its next meeting on 4-28-2008.

Brett: Septic/sewer issue: (1). Sunridge, opinion poll: 31 parcels, 24 responses, 16 for septic, 8 for sewers. Decision: not moving forward. (2) Maple Hill Dr. opinion poll: 41 parcels, 37 responses, 26 for sewers, 10 opposed sewers, 1 either decision is ok, 4 didn't vote. Next Council meeting, will discuss whether South Russell will move forward or not. "If sewers go in, it would be a small pump station that is underground across from Ted Kruse's driveway (1508 Bell Rd.). It would just pump up to where the main line ends now. It would only have capacity to serve Maple Hill."

NEW BUSINESS:

The next meeting is scheduled for May 15, 2008 at 7:30 P.M. Hocevar distributed lighting regulations from Hunting Valley; will discuss at next meeting.

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

Walter Sutliff, Chairman

Maggie Tomaro, secretary

Village wades through latest sewer survey

By SUE REID

South Russell Mayor Matthew E. Brett announced the results Monday of a second opinion poll of residents on Maple Hill Drive and Sun Ridge Lane regarding a switch from septic systems to sewers.

Of the 41 parcels on Maple Hill Drive, 37 responded, and 26 of them favored switching to sewers, while 10 opposed it. One resident was agreeable either way.

On Sun Ridge Lane, 24 of the 31 parcels responded, with just eight in favor and 16 against the switch, Mr. Brett said. "That one's a little clearer." He attributed the difference to the fact that the cost per home would be considerably higher on Sun Ridge Lane.

In the prior poll held late last year, only about half of the residents on Sun Ridge Lane took part, with 68.8 percent of them voting in favor of sewers. In that same poll, 65 percent of those on Maple Hill Drive participated, with 69.2 favoring the switch.

Mr. Brett said he and the village's public utilities committee will further review the results and discuss them at Village Council's next meeting.

He asked for feedback from the Maple Hill Drive residents in attendance at Monday's meeting.

"The results didn't surprise me," resident Gary Dole said, adding that no septic systems on his street would pass inspection unless it was recently replaced.

"A sewer system, long term, makes sense for the health of those on our street. If we don't go with sewers now, we'll be putting new septic systems in at some point, then have to make the switch to sewers down the road," Mr. Dole said. "You have got to look at the long-range planning of the community and not short term," he said.

"Why are we going to wait to see what happens? We have to move now while space is available at McFarland. If not, we'll have to pay for the expansion," Mr. Dole said.

"You all on council have sewers. You have to be proactive. Look at the long-term interest of the constituents who elected you."

Maple Hill Drive resident J. Mark Hickman had a different view. "We are against going to sewers, at least at this time," he said.

Mr. Hickman said he and his wife, Anne, went before Village Council a couple years ago, because they were told by Geauga County that they had to replace their septic system. "It's in our front yard and not very attractive," he said of the new system. "We've already spent incredible amounts of money for it, and we cannot afford to rip this up and sink more money in the ground — literally," he said.

"It's not in our best interest. No one advised us differently at the time" regarding new laws on septic systems, Mr. Hickman said. "We played by the rules, and now we feel we're getting screwed, because now suddenly the rules of the situation have changed, and we're not happy with it."

Councilman John Binder said he "certainly understands" Mr. Hickman's predicament. "It's an unfortunate situation," he said. No matter when sewers are put in, there will be people "unjustly harmed," he said. "It's inevitable. I'm just making a statement. I don't have an answer."

Councilman Mark Porter asked if residents would be interested in having those who recently paid for new septic systems pay less than others when assessed for sewers.

Mr. Dole said residents have discussed that issue and asked Gus Saikaly, director of the Geauga County Department of Water Resources, if that is possible. They have not yet heard a response, he said.

"We need to take a good, long look at this," Mr. Brett said. "This is a tough issue. The village tried to play the right role in this."

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PLANNING COMMISSION MEETING
MAY 15, 2008
7:30 P.M.

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

2. MINUTES: 4-17-2008 **approved**

3. AGENDA:

1). Trifles Café & Catering, 516 East Washington Street; Development Review: requesting a patio with fence enclosure. **Brett, "I make a motion that we approve the request from Trifles Café & Catering to create a patio/fenced enclosure." Flaiz second. Roll call. All ayes. APPROVED**

2). Dan Sutherin, 110 Fox Trail; Formal discussion about a proposed reconfiguration of a lot. **Brett, "I make a motion that PC approve the changes to the by-laws for the Fox Run HOA as previously read. Conditioned upon: (1). having proper deed restrictions approved by the community at Fox Run (2). required changes in the plat be accomplished (3). no ability to do a future lot split (4). proper approval by the required County agencies." DiMichele second Roll call. All ayes. CONDITIONAL APPROVAL**

Brett, "I make a motion to approve the plat reconfiguration & lot split as presented to PC. Conditioned upon: the same conditions noted above (#1-#4)." Roll call. All ayes. CONDITIONAL APPROVAL

3). Paul Snavely, 1617 Bell Road; Informal discussion about a lot split. **NO ACTION. Jaredd Flynn will take plans to his office & review/discuss them with Solicitor David Ondrey**

4). Discuss Hunting Valley lighting regulations. Hocevar handed this out at the PC meeting on 4-17-2008. **Tabled until next meeting**

4. OLD BUSINESS: **Conservation Development District, CDD, introduced at Council on 4-28-08. Second reading was 5-12-08. Council to review it 5-27-08. Public Hearing on6-9-08. p.m.**
-Kyle Dreyfuss-Wells will be the Director of Education Information for the North east Sewer District. Amy Brennan has taken over as the Executive Director of the Chagrin River watershed Partners, CRWP

-Maple Hill sewers discussed at the last two Council meetings. "Council unanimously approved sending it off for the County to do a sewer project." Assessment per household around $24,000.
-Milbar, 530 East Washington. Hocevar has met with the new owner; tenants: 2 personal businesses & a retail business. Maybe one building will be a warehouse/office space.
-bike trail aka multi purpose path: Some residents looked into this a few years ago. At that time, it would have cost over 2 million dollars with 80% matching federal funds. The Village would have been responsible for $400,000. Resurrected interest.
-cemetery: A resolution was introduced at Council that would dedicate the Village owned Mezi/Wilbur property, (parcel # 29-706407), the Village owned rental house 5244 Chillicothe Rd. as a location for a cemetery. Intention: recreate the cemetery board.

5. NEW BUSINESS: **NEXT MEETING: JUNE 19, 2008 AT 7:30 p.m. Meeting to be cancelled if there is nothing on the agenda.**

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

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MAY 15, 2008
7:30 p.m.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, Jim Flaiz

ABSENT: Ike Tripp

OTHER OFFICIALS: David Hocevar, Building Commissioner, Jaredd Flynn, Solicitor, Ned Foley, Engineer

GUESTS:
Dan Sutherin, 110 Fox Trail
Ken Koprowski, Trifles Café, 516 East Washington St.
John & Paul Snavely, 1617 Bell Rd.
Keith Kimball, 1629 Bell Rd.

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from April 17, 2008 were approved as presented.

Trifles Café & Catering, 516 East Washington Street; Development Review: requesting a patio with fence enclosure

Hocevar explained that Trifles is requesting development approval for a patio & fence in the front of the building. There are no zoning issues to address with this proposed patio & fence. Front setbacks are still there. Side yards don't change.

Ken Koprowski, "I'm not sure if it will be cement or decking. We're still exploring both options. Whatever we do, we just want to keep it minimal impact. We don't want it to stick out- something that wouldn't fit with the building. Keep it landscaped." Tom Burns owns the building. Koprowski, "Tom's very excited about this. He came home from Florida to specifically meet with me."

DiMichele, "Does the number of seating on the patio add to the seating inside? Does that cause a problem in so far as capacity?" Hocevar, "No. The occupant load for that building stays the same whatever is on the patio. If he has an exit off that patio, that's all together separate. It's going to be posted by me."

Flaiz, "How much seating do you anticipate adding out there?" Koprowski, "We're looking at small 2's & 4's, maybe about 8 tables. What you find out with patios is the patio is packed. The inside is dead. The restaurant has been opened nights & weekends & it's doing very well, but when the weather turned warm, like it did a few weeks ago, instead of having 60 or 70 people, we had four. We thought this (the patio) would be a good economic push & help us because our overhead has gone up so much. We've expanded & the expansion has cost a lot of money. The latest we close is 11:30 P.M."

Lighting: Koprowski, "The electrician, will do low voltage. The Health Department needs to see a certain amount of light out there. No big spots."

Brett, "How would you access this area?" Koprowski, "Come into Trifles & go out the new section of the restaurant through what is now a window. It'll be made into a man door. The grade is right. Per the liquor code, they don't want an outside entrance (from parking lot onto patio). They want a fence around it."

Flynn, "Development approval comes under Section 3.04 (e) Review Standards. (Pp. 17 of the SR Village Code, revised Dec. 2007) #1 does not apply. #2 will it adversely affect neighboring properties? No. #3 the plan provides for integrated & harmonious design. #4 water; does not apply." Hocevar added that there is no water issue.

Hocevar, "The patio will not affect the parking. The occupant load is not going to change. The quoted number of parking spaces is not going to change. He's not taking anything away from it."

Brett referred to the Comprehensive Plan which recommended helping the businesses on East Washington St. "The business is doing well & this patio would enhance it is one positive. Two is the area. It's professional office, a bit of retail, a couple of restaurants. This seems like it would fit." Brett reviewed the development approval standards. "I don't see any issues with those. I would support this."

Brett to Koprowski, "When Chagtown had their outside patio, one thing we did hear about is issues of noise. I would ask you to be sensitive to that." Koprowski, "Absolutely. We're not looking to be a rabble rousing bar."

Brett, "I make a motion that we approve the request from Trifles café & Catering to create a patio/fenced enclosure." Flaiz second. Roll call. All ayes. APPROVED

Dan Sutherin, 110 Fox Trail; Formal discussion about a proposed reconfiguration of a lot

Hocevar, "Dan is trying to acquire some common area from Fox Run Association. It's in the rear of his property. Obvious reason, privacy. The Fox Run Association still has enough common area to make up their subdivision per acre minimum. We have a couple lots there that might be less then an acre. This is a separate parcel all together from the front 2 parcels lots. He needs PC approval so he can go to the County & file a replating of this."

Sutliff, "Are you purchasing this property? Sutherin, "Yes. There have been 2 association board meetings where this has been discussed & supported by 100% of the people there & by proxy. The annual meeting that was held here; it was passed basically to proceed with it. There are two steps. First the by-laws need to be adjusted. The by-laws provide permission for the association to sell to a political subdivision, a utility something. It didn't mention a member of the association."

Sutherin, "After I moved in I had a survey done. There was a pin at the rear of the land, which was just inside the mound. It represented- by the builder who received information from an association member- that that was the rear line of the property. When I had it pinned, about 40% of my rear yard, that was already planted & developed, was identified as common area. It's a false pin at the rear. I asked the association if they would consider selling to the top of the mound. It was felt best to go ahead as close to Ann's Day Center (5188 Chillicothe Rd.) property line to provide security. We had some issues there with teen drinking, teen sex and people there after dark, hiding back in the bushes."

Sutherin, "The association had not spent any money to trim the scrub brush, which was 5', 6' 7' tall. As of yesterday, that's all gone. I had a row of trees planted on the mound; cost $20,000. The association was in favor of seeing it cleaned up, fixed up & not have to pay the landscaping fees or the mowing fees. They felt it was a good improvement to the neighborhood."

Sutherin, "What I'm seeking from you is first we propose verbiage change for the association by-laws or deed restriction." Flynn, "David (Ondrey) is under the impression that the PC needs to approve the change." Sutherin, "We proposed changes. It still needs to be done. With your approval on the verbiage change, the association's ready to go; conduct a vote of all of the association members on the by-laws change & selling the property. The agreed price is $1.00."

Flynn, "The section (of the HOA by-laws) that says 'the right of the Association to dedicate, transfer all or part of the common areas', you propose to remove the next section 'to any public agency, authority or utility.' You will keep it general so it can be transferred to a private home owner." Sutherin, "There was a discussion among the association that if we add member, in the future we may want to do something else. Since it's all coming to the PC for approval, you would allow the trustees the latitude to propose changes they deem fit for the association." Without the change in the by-laws, the association can not sell the land to Mr. Sutherin.

Flynn, "The deed restrictions ultimately need to be amended. PC can make a conditional approval conditioned upon (1). Deed restrictions to be amended by the Fox Run HOA (2). the plat will be changed. You (Sutherin) need to file a petition with the court (3). You (Sutherin) will make public notice. Put it in a newspaper, general circulation. That's after the approval has happened."

Sutherin, "The 306 line is running roughly across the crest of the mound. The association will still own the street frontage. That way no driveway will be proposed to cut through to 306 from the back of the property in the future. The association will maintain the portion in front of the mound on 306." The line is in the center of the mound. The mound is 8' wide.

Hocevar, "The mound was never required by Fox Run. I think the developer had extra dirt & put a buffer." Sutliff, "there's no restriction that he can't build in that 100' buffer zone." Hocevar, "No."

Brett, "The portion that you would buy is .84 of an acre. In total you'd have 1.6 acres." Sutherin, "yes." Brett, "Could you do a lot split?" Hocevar, "Almost impossible." Sutherin, "I couldn't because of side clearances." Brett, "In the future if that property was acquired from the HOA for that property, then you'd have frontage on 306. Could we make a condition? No lot split. Flynn, "No building. Yes." Sutherin, "I think if you add those two pieces, it's just a little over 1½ acres, 1.6 acres. That's fine."

Brett, "Ann's Day Care, do you have any sense how they feel about this? Do they know about it?" Sutherin, "I can't imagine that it would make any difference to them at all. This is conversion from grass on the mound to grass on the mound. They might appreciate the trees. In a couple of years, they will create a nice block between the 2 properties. It's not near the advantage to them as it is for those who live on the circle on Fox Trail. I hope the trees get high enough to block the industrial lighting that shoots laterally toward the circle."

Flynn, "The deed restrictions for Fox Run require the Village to approve any change in the deed restrictions. We are approving the changes in the by-laws." Flynn, to Sutherin, "You need to change the plat. That's step two. You need to get approval from Geauga Court of Common Pleas. You have to go through the newspaper advertisement for 30 days. You need to record it with the County auditor. You would petition Ohio RC 711.19, which David Ondrey indicated to you." Hocevar, "When it's all finished, he (Sutherin) needs to come back to PC for signatures."

Brett, "I make a motion that PC approve the changes to the by-laws for the Fox Run HOA as previously read. Conditioned upon: (1). having proper deed restrictions approved by the community at Fox Run (2). required changes in the plat be accomplished (3). no ability to do a future lot split (4). proper approval by the required County agencies." DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

Brett, "I make a motion to approve the plat reconfiguration & lot split as presented to PC. Conditioned upon: the same conditions noted above (#1-#4)." Roll call. All ayes. CONDITIONAL APPROVAL

Paul Snavely 1617 Bell Road; Informal discussion about a lot split

Keith Kimball (1629 Bell St.) lives next door to Paul Snavely (1617 Bell St.). Kimball has 2 parcels. One is 2.27 acres & the other is 3 acres. There is a 37' easement between the houses owned by Snavely. Snavely is considering purchasing one parcel & do a lot split. Snavely will then have access to the property he owns in the back to put a road in; no plans to do anything with the property now.

Hocevar, "Originally Kimball's house needed frontage on Bell Road, which was 150'. The reconfiguration of this will take the frontage away from Kimball. Paul Snavely wants to take the easement, give it to Kimball if he needs to." Snavely, "I'd like to buy this (points). We have the easement, so we have access to Bell Road."

Hocevar, "The only problem is we need a legal opinion. If he does this with the easement, it's going to be Mr. Kimball's. PC has to decide, do we want any frontage for Mr. Kimball on that road other then that easement?" Flynn, "Transferring the property, you loose that access."

Brett, "The question is how we feel about removal of frontage because of the sale? There's an easement in place that answers that question." Sutliff, "From a legal standpoint, if you sell this property, somebody comes along & tears the house down or wants to add onto the house, do we then have a nonconforming lot?" Flynn, "That would be my concern. We have to look at it." Flaiz, "Or creating a flag lot." DiMichele, "I thought we went through a lot of work to eliminate future flag lots."

Kimball has 2 concerns: the purchase of the property & sale of this property. Kimball, "I don't want to create a situation where I'm going to loose a sale because this thing is in limbo. One suggestion I made is when & if this road goes in, it will create frontage on this property (points). Theoretically, the frontage on Bell Street should not be an issue any more because this will be a dedicated road & put frontage on this property." Sutliff, "You're assuming." Kimball, "That's a big if."

Concerns about making a nonconforming lot: Hocevar, "The only way to make that conform is if that easement belonged to Keith (Kimball)." Brett, "When you sell the property, what happens to this easement?" Keith, "It stays with the property. It's a recorded easement."

Brett, "In this situation, there should be nothing that Keith is loosing excluding if he tore the house down & went to redo it. Then we'd be in a different situation, because we'd be looking at you developing a lot. My guess is that's unlikely. If you're just selling the house, there is no loss here." Hocevar, "Except we're loosing the frontage on Bell Road & it makes it a nonconforming lot." Flynn doesn't know if that's an issue. Flynn, "We have to look into it." Hocevar, "There are other land locked lots that are built on with an easement: Sunridge, Champion Lane. That's before we redid our zoning with the 75' back & 50' on the rear lot on the road." Brett, "We have parcels that are landlocked that don't have an easement. Nobody's built on them."

Flaiz, "I don't know what the advantage to the community is to deviate from our zoning. If the consideration is, you don't want to take down this house & put a road in

the existing property, to me I have trouble with the concept of the road being that close to the home. That's a gross deviation from our regulations."

DiMichele, "My concern is that this was done to meet our zoning. Now we're saying the house is built so we don't need that anymore. Then anybody could do that on any lot; meet the requirements, build a house."

Flynn, "It's a nonconforming lot already." Hocevar, "Yes because we changed the zoning." Flynn, "My concern before is the PC is approving something that creates a nonconforming use. If you are already a non conforming use, then it may not be as big of an issue." Flaiz, "It's not a non conforming use because the zoning change is recent."

Hocevar to Kimball, "75' from the right-of-way, that's where we start our setback. Back then it was as long as you were 75' back; anywhere beyond that to meet your 150' was good. We changed that. Now we want 50' abutting the main road & 75' from there, we want to have the building line 150'." Flynn, "We need a legal opinion from David Ondrey to go on. We can look at this." Flynn will take plans to his office & discuss this with Ondrey.

Snavely discusses another option. Snavely, "I really don't want to swap land with Keith. The easement is 37' & 13', which gives him 50'." Brett, "Does that make this a conforming lot?" Hocevar, "Because he's reconfiguring this lot, he has to meet today's zoning, which he's never going to do." Flaiz, "Other then what we just passed with flag lots, if he did that option, would it __?_?" Hocevar, "No because his house is too far back."

Brett, "Is the current configuration conforming or nonconforming? That could influence our decision. Is that right?" Hocevar, "Current configuration is compliant to the zoning at that time. It's grandfathered in. If he was to try to do this today, it would be nonconforming. If he wanted to split this lot now, he couldn't do it because of the setback. He's too far back to get the 75'."

Brett, "There are clearly a bunch of flag lots throughout the Village. It's not the most appealing thing. What the PC just worked through is an idea for a Conservation Development District. This already would fall under CDD because it's a 30 acre minimum." He described previous proposals to the west of their properties where the development's road went down the property line & houses were on one side of the street. Brett, "It wasn't compelling to us."

Brett, "There's an existing easement that gives access to that lot here (points). That resolves the issue as far as I'm concerned. Depending on what the solicitor comes up with, I'd be willing to do something about it."

Sutliff, "I don't have a problem with it so long as we get a legal interpretation that this piece (points) doesn't have a problem down the line.' Flaiz agrees with Sutliff. DiMichele, "I'm a little concerned that we required it there when he built it & now we're saying, ok we don't need it anymore. I don't understand why we don't need it now."

Snavely, "It wasn't required when we built it. For him to have access to Bell Road, that's why I had to split that. I owned all of this to begin with. We decided we didn't need this. We got the easement. This was not required because we got the



easement at the time." DiMichele, "So back when he was building this, if he hadn't done this, but he had the easement, it would have been ok?" Snavely, "I don't know." Hocevar, "There had to have been a legal opinion on this deal. It depended on what solicitor determined that 50' frontage. If he wants to include an easement on it ok. He (Snavely) could do a minor subdivision now; 5 houses or less."

Brett & Sutliff ok with it. DiMichele ok with it "as long as I'm assured it's not going to be a problem taking back what we had from before." Flaiz is on the fence. Need a legal opinion from the solicitor; that will be forwarded to Hocevar & then onto Kimball & Snavely. **NO ACTION. Jaredd Flynn will take plans to his office & review/discuss them with Solicitor David Ondrey**

-Discuss Hunting Valley lighting regulations. Hocevar handed this out at the PC meeting on 4-17-08 TABLED UNTIL NEXT MEETING

OLD BUSINESS:

Conservation Development District, CDD, introduced at Council on 4-28-08. Second reading was 5-12-08. Council to review it 5-27-08. Public Hearing on 6-9-08 at 6:30 p.m.

-Kyle Dreyfuss-Wells will be the Director of Education Information for the North East Sewer District. Amy Brennan has taken over as the Executive Director of the Chagrin River Watershed Partners, CRWP

-Maple Hill sewers discussed at the last two Council meetings. Council unanimously approved sending it off to the county for them to do a sewer project. The line will run down bell & just serve maple Springs. Pump station will be across from Ted Kruse's driveway (1508 Bell Rd.) Assessment per household around $24,000. Forecast for septic system $20,000. New septic regulations to be out by July 2009. restrictions & regulations are going to get tougher, which means costs will increase.

-Milbar, 530 East Washington St. Hocevar has met with the new owner; tenants: 2 personal businesses & a retail business. Maybe on building will be a ware house/office space.

-bike trail; referred to in the newspaper. A group is looking into a multipurpose path & wonders if it is an option that the Village should pursue. This was a topic a few years ago. Cost then over 2 million dollars, with 80% matching federal funds. The Village would have been responsible for around $400,000.

-cemetery: a resolution was introduced 2 meetings ago at Council that would dedicate the Village owned Mezi/Wilbur property (parcel # 29-706407) on the west side of 306 & the Village owned rental house at 5244 Chillicothe Rd as a location for a cemetery. Intention: recreate the cemetery board.

NEW BUSINESS:

-Congratulations to Council/PC member, Jim Flaiz & wife, Laura who welcomed a new baby, a son.

- The next meeting is June 19, 2008 at 7:30 P.M.

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

Walter Sutliff, Chairman

Maggie Tomaro

Maggie Tomaro, secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION MEETING
OCTOBER 15, 2008
7:30 p.m.

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

2. MINUTES: 5-15-2008 **approved**

3. AGENDA:

DEVELOPMENT REVIEW WITH BRUCE THOMAS OF THE NARRAGANSETT GROUP. HE HOPES TO GET APPROVAL FOR OFFICES, AN ADDITION & PARKING FOR A BUILDING LOCATED AT 5197 CHILLICOTHE ROAD.
Brett, "I make a motion that PC grant the approval for the offices, addition & parking area for the building located at 5197 Chillicothe Road based on the drawings that are proposed subject to ZBA approval for variances." DiMichele second. Roll call. All ayes. CONDITIONAL APPROVAL

4. OLD BUSINESS:
-Hocevar would like PC to review personal services. (Pp. 11 #86 in zoning book) "It's not up to date. PC may want to redefine personal services."
-Former Milbar, 530 E. Washington St. Hocevar, "It's going slowly. Depending on the economy, there may be 4 tenants."
-Political signs: Brett, "On the solicitor's advice, after the election, 11-4-08, PC should look at putting together some language about political signs. Ondrey, "We have regulations, but the Ohio Supreme Court tossed them out the window." He thinks "some amount of regulation is probably ok."

5. NEW BUSINESS: **NEXT MEETING: NOVEMBER 20, 2008 AT 7:30 p.m.**
-PC received "Draft Comprehensive Storm Water Ordinance" from Foley. PC to review. Ondrey not sure if this goes to PC. He will think about it & let Brett know whether it is for PC or goes elsewhere.

6. ADJOURN: **8:05P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
OCTOBER 15, 2008
7:30 P.M.

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

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

GUESTS:
Ann Dunning, 62 Morning Side Dr.
Bruce W. Thomas, 9825 Music St.

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 5-15-2008 were approved as presented.

Development Review with Bruce Thomas of the Narragansett Group. He hopes to get approval for offices, an addition & parking for a building located at 5197 Chillicothe Road.

Architect Ann Dunning, "All we've done is worked the numbers to see how much square footage of space there is in the house & barn to use. Total property, 2.12 acres. We are considering a two-story addition to the existing house, 54'X66'. In the house, we are including all the first floor & all the second floor. The porches are included in the square footage. Basement & attic would not be used or counted. In the barn, we are including all the first floor & all the second floor. Some of this would be office space. Bruce wants to have his office in the house."

Dunning, "Several years ago Bruce did Chuck's Beverage. (23 Bell St.) He saved an interesting building. In Aurora, at SR 82 & 306, Mario's Spa has used old houses across the street from the spa for offices. We're thinking of keeping it (new project) like those & it would be a wonderful piece of property."

Dunning, "The basic plan shows 52 cars parked within the setback. We've considered having two driveway exits; one off Chillicothe & one off Bell. That's the one that is required because Bell is the front street. In order to have a second drive out, we're asking for a variance."

Dunning, "All the numbers, with paving, the maximum coverage allowed is 32,321 square feet on 2.12 acres. We would have lot coverage of 31,645 square feet, which would be a total of 34.2% lot coverage. If we include the second drive, then square footage bumps up to 38.8% & that's a 4.6 variance."

Bruce Thomas. "The front building will be all offices. If there is retail, it will be in the barn." Sutliff to Hocevar, "Is retail allowed in that zoning?" Hocevar, "Retail?" I don't think it is permitted as a personal service." Bruce, "Isn't an antique store retail?" Hocevar, "Yes, but not retail like a hardware store or a Wal-Mart." Bruce, "We're talking, maybe a coffee shop." Tripp "You'll use the first floor where the antique store was & the second floor. But, you're not going to use the loft." Bruce agrees.

Brett, "What is it that the PC reviews in relation to this proposal?" Hocevar, "Development Review, does the concept fall within the zoning? Maybe they have to go to ZBA. The ultimate approval of the concept falls under PC." Brett, "Under development review we'd be looking at uses." Hocevar, "Right." Brett, "What else?" Ondrey, "Traffic patterns, safety, arrangements of improvements are the kinds of things you are allowed to consider."

Hocevar, "If you wanted to say, I don't like that driveway here, you could make that decision." Dunning, "We've moved the driveways as far away from the intersection as we can." Tripp, "The driveway off Bell is within the 30' setback as well as the proposed exit." (off Chillicothe) Dunning, "Right." Sutliff, "Do you need a variance for the second drive?" Yes. DiMichele, "So if they don't do the second driveway, they don't need a variance." Hocevar, "Right." Bruce, "But I may not do the project if I can't have it."

Bruce, "We probably won't do much for a year or two. I would plan to move my office into the white house. We'd add on in the same architecture, put in new windows. The addition will have the same roof. It'll look like one house." Bruce doesn't know how many tenants he may have, but hopes to rent space for professional businesses in the house. The house will have a basement; no intention to use it – just mechanicals.

PC discusses the barn. Bruce has turned a number of barns into houses. He keeps the façade of a barn. Bruce, "In the barn, maybe a coffee shop, maybe an antique shop, maybe offices. I don't know."

Brett to Ondrey, "How do we move forward? How do we grant approval?" Ondrey, "Conditions on a development review, you can do it. Whether Bruce wants to accept those is a separate issue. Not knowing precisely what is going into the buildings, I think you have to evaluate this. It's a B-2 district. The only permitted use is offices & personal services. The discussion about what may or may not go in there, Bruce isn't sure. So consider, with these kinds of uses in those buildings & at this location, will it work? Or do you see some problem? Anything you do still has to be contingent upon whether the ZBA is going to grant variances for the lot coverage. You could defer doing anything. Or you could say, we like the concept & we're ok if you get the variances."

Brett, "All things considered, I like the idea of that corner being in this kind of use. The property owners have looked to sell for a long time. It seems like a nice corner for professional offices & some retail." Sutliff agrees. Tripp, "Preservation of the barn is a very big issue. It's a house, but it is an office. It makes a nice transition, a nice buffer. Plus we don't loose that barn. To me that is a big deal."

Hocevar, "It would not be unusual if there is a grey area in the type of use he wants for me to have him come back to PC. If it is not specifically spelled out & he wants to put it in there, we've done it many times before. I can have him come back to PC – not for offices, but if he wanted to put a zoo in there."

Question about the future of the existing block building & 2 car garage. Dunning, "Three small buildings will go: the garage, little framed building & the block building."

Bruce might buy additional land next door to this parcel. Question about what Bruce's intentions are with the additional parcel. Bruce, "A nice looking office building in the same architecture I'm doing now. They want too much money. So it's not an issue." Brett, "But, not to put those together & have one thing there for a big box store for example." Bruce, "I'm too old to do that." Ondrey, "It's not zoned for that. I think what you're being asked to approve is this footprint. I wouldn't even count on the fact that the barn is going to survive. (to Bruce) That's your intention, but you don't know yet."

Ondrey to PC, "If you approve this, what you're approving is that there would be a building in essentially that footprint. There may be a necessity to come back if he makes substantial changes that needs to be reviewed again." Bruce, "The footprint may be smaller, but it won't be any bigger."

Flaiz, "There's no retail allowed in a B-2, but there is personal services." Hocevar, "Yes." Flaiz, "Those are retail exceptions that are listed out." Hocevar, "We list them out." Flaiz, "What about food service? Maybe a coffee shop?" Ondrey, "That's not one of the services. Things like beauty shops, shoe repair, drycleaning. (Pp.11 #86 in the zoning code) It was an odd category." Flaiz, "So if he wanted to put a coffee shop, he'd have to come back to PC & need a variance." Hocevar, "I would recommend that." Ondrey, "Yes. He would need a variance. A coffee shop is not a permitted use in personal services." Hocevar, "In the past, I think we required any change of occupancy use, comes back to PC in every commercial area."

Bruce, "I have to close the sale by November 4th. I will remodel while I'm there. I can operate out of the barn temporarily. I want to take the main house, the whole thing. If I get a tenant, I'll move where I have to move to make somebody else happy." Bruce intends to repair some windows in the barn, fix the silo & repair some leaks. Bruce, "Structurally, the barn is pretty good."

Brett clarifies. "If Bruce wanted to do something that was different from the footprint, he would have to come back to PC. Or if the property is sold, that same thing would have to occur." Ondrey, "If this is what's being presented to us, the only

thing you can approve or disapprove is this site plan. If someone else took ownership of it, they would be stuck with this site plan." Brett, "If they deviate, then they come back to PC." Ondrey, "Yes."

Foley, "The basic issue of drainage needs to be addressed. The new access to Bell, that needs to be worked out. I think the way the driveways are being proposed to the extreme north & east on the property, are a lot better then it is now. They are far enough from the intersection. I don't see that as a problem. I think it is reasonable. I don't think the traffic volume that'll be generated here will be a problem at the intersection either way."

Brett, "I make a motion that PC grant approval for the offices, addition & parking area for the building located at 5197 Chillicothe Road based on the drawings that are proposed subject to ZBA approval for variances." DiMichele second. Roll call: All ayes. CONDITIONAL APPROVAL

OLD BUSINESS:
-Hocevar would like PC to review personal services. (Pp. 11 #86 in zoning book) "It's not up to date. PC may want to redefine personal services."
-former Milbar, 530 E. Washington St. Hocevar, "It's going slowly. Depending on the economy, there may be 4 tenants."
-political signs: Brett, "On the solicitor's advice, after the election on 11-4-08, PC should look at putting together some language about political signs." Ondrey, "We have regulations, but the Ohio Supreme Court tossed them out the window. We need to ask, what have other communities done? Some amount of regulation is probably ok, a lot less then it used to be."

NEW BUSINESS:
-PC received "Draft Comprehensive Storm Water Ordinance" from Foley. PC to review. Brett, "Chagrin River Watership Partners & CT Consultants recommended that the Village consider a storm water ordinance as a result of the EPA mandate for the storm water management program." Ondrey wonders if PC needs to be involved with this. Ondrey, "There is logic if you want a recommendation. It's not a zoning ordinance. It falls in the category of a building regulation, which normally the PC does not have jurisdiction over." Ondrey will think about it & let Brett know whether PC should read it prior to the next meeting & be prepared to discuss it or if it goes elsewhere.
- The next meeting is November 20, 2008 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:05P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

1-27-2009

To: Editor & reporter, Joan D – Chagrin Valley Times
From: Maggie Tomaro, South Russell Planning Commission secretary

MEETING NOTICE:
The South Russell Planning Commission will meet at 7:30 P.M. on the second Thursday of each month at South Russell Village Hall, 5205 Chillicothe Road, South Russell, Ohio. The next meeting is scheduled for 2-12-09.

Note: Sometimes PC meetings are cancelled. If Joan intends to be at a PC meeting- prior to the meeting date - I recommend that she call either fiscal officer, Danielle Romanowski, 440-338-6700 ext. 221 or the Building Department, 440-338-6700 ext. 233. They know whether there will be a meeting or not.

Sincerely,

Maggie Tomaro

Maggie Tomaro
440-338-6700 ext.221

Post-it® Fax Note 7671	Date 1-27-09	# of pages ▶ 1
To Editor + Joan D.	From Maggie Tomaro	
Co./Dept. Chagrin Valley Times	Co. S. Russell PC	
Phone # 247-5335	Phone # 338-1807	
Fax # 440-247-5615	Fax # 338-1807	

VILLAGE OF SOUTH RUSSELL
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PLANNING COMMISSION MEETING
FEBRUARY 12, 2009 7:30P.M.

1. ROLL CALL: **Brett, DiMichele, Flaiz**

2. MINUTES: 10-15-2008 **approved as presented**

3. AGENDA:

INFORMAL DISCUSSION WITH GREG & BARBARA QUAST, TOPIC: PUTTING A PRESCHOOL AT 530 EAST WASHINGTON ST. (formerly Milbar) **PC in favor of the concept. The Quast's may return to PC for approval in March.**

DISCUSSION: POLITICAL SIGNS, CURRENT ZONING REGS. PERTAINING TO POLITICAL SIGNS **Continue to discuss signs. Illumination: PC agrees to prohibit illumination due to safety concerns. Size: no decision. Height: no decision. Construction materials: no decision. Placement: no signs permitted within the right-of way or 15' from edge of pavement, whichever is greater. Time period: 40 days, remove signs within 10 days after election. # of signs: no decision**
Solicitor Ondrey will try to come up with a phrase that relates to traffic issues with regard to height & size; something that prohibits signs that would cause traffic hazards.

LIGHTING: REFER TO HANDOUT OF HUNTING VALLEY'S REGULATIONS FROM DAVID HOCEVAR **Continue to discuss. Flaiz to review lighting concerns & review Hunting Valley's lighting regulations**

FENCES: REFER TO HANDOUT OF HUNTING VALLEY'S FENCE REGULATIONS FROM JIM FLAIZ **Continue to discuss. For the next meeting, Hocevar will draw a few lots showing fences at '15% of the perimeter of a parcel of property' per Hunting Valley's regs.**

4. OLD BUSINESS: **No regulations about roosters in SR**

5. NEW BUSINESS: **NEXT MEETING: 3-12-09 AT 7:30 P.M.**
Next meeting: Someone may come before PC to discuss putting a ballroom dance studio at 530 East Washington St. – formerly Milbar

6. ADJOURN: **9:15P.M.**

VILLAGE OF SOUTH RUSSELL
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SOUTH RUSSELL, OHIO 44022
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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
FEBRUARY 12, 2009
7:30 P.M.

MEMBERS PRESENT: Acting Chairman Matt Brett, Janice DiMichele, Jim Flaiz

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

ABSENT: Walter Sutliff, Ike Tripp

GUESTS: Barbara & Greg Quast, 116 Ashleigh

Acting Chairman Brett called the meeting to order at 7:30 p.m. The PC will officially meet on the second Thursdays of the month at 7:30p.m. The minutes from 10-15-2008 were approved as presented.

Informal discussion with Greg & Barbara Quast, topic: putting a preschool at 530 East Washington Street (formerly Milbar)

Hocevar, "Because it's a new building, new occupancy, they are required to come before PC & ask if they can put a business where they want to put it. It's a permitted use in our zoning."

Greg Quast, "We haven't done anything yet with this particular space. We've submitted for an RFP for this particular space. We'd like to put a preschool in that space. We know it's zoned for retail. We realize we have to come before you again & have a formal vote. Tonight we want to know if we are on the right track before we got too far down the road."

Brett, "What is it that PC is to consider? What is the basis that we would grant approval if this were a formal application?" Hocevar, "Basically your blessing. Unless you had an objection to that type of use in that specific building, it's allowed."

Ondrey, "In Chapter 10 of the zoning code (Pp. 107 Intent) the three major criteria are: (1) to assure the most efficient & attractive utilization of sites in relation to surrounding property. (2) to protect the environment by controlling the type & extent of grading, paving, landscaping & other site development activities & to protect the groundwater within & surrounding the municipality. (3) to protect & preserve the architectural character of the municipality. There are a number of

regulations like: circulation, surrounding area, screening, grading, paving & such things."

Motivation to do this: Mrs. Quast was a school teacher & substitute teacher. Mr. Quast has started a business, Quast Acquisition. Soon they will become empty nesters. She loves little children.

DiMichele, "How does this differ from day care?" Mr. Quast, "Day care operates 6:00A.M. to 6:00P.M. Our preschool will operate 9:00A.M. to 3:00P.M. No meals are served. The preschool is for three & four year olds. The three year olds will attend 2 days a week, 9:00A.M. to 11:30A.M. No more than 12 in a class. The four year olds will attend 3 days a week, 12:30P.M. to 3:00P.M. No more than 14 in a class. We'd arrive at 8:00A.M."

Outside playground area: Yes. Mr. Quast, "As you look at the building, the far left side has a green space to the left hand side & in between an existing off ice space. The landlord is agreeable to us having the green space. By law, we are obligated to have about 800 square feet. We would fence that in. The actual space would be around 2,200 to 2,500 square feet."

Mr. Quast shows photo's of the building before it was redone & a picture of the parking lot. Mr. Quast, "We really like this space because the parking provides ease of access. It's a nice flow of access for parents to come to pick up their children. They don't get bottled up in the parking lot. They can flow from East Washington, come into the parking lot & go right back out onto east Washington in either direction." Foley, "There wouldn't be traffic congestion. With the number of cars, it wouldn't make a difference.

Brett to Hocevar, "For a preschool, are there certain requirements that they'd have to provide?" Hocevar, "They have to comply with building codes, fire codes. Depending on the square footage, they may have to change the means of egress. They have to be sprinkled, fire walls." Brett, "Is that all specific to being a preschool?" Hocevar, "Yes."

Lot coverage issues: Hocevar, "That's up to PC. That whole building exceeded lot coverage." Brett, "Ann's Day Care Center has a fenced in area." Hocevar, "Right. We never counted it as lot coverage. It was an impervious surface." Foley, "You're dealing with existing area."

PC comments: DiMichele, "I think that would be a great addition." Flaiz, "That would be a nice use over there. I think there is a demand for that type of business in this community; sounds good to me." Brett, "Sounds like a pretty good idea. One thing I would take into consideration is, how does it fit into other businesses that are there? There aren't any other businesses yet. So, it seems to fit fine."

Mr. Quast, "We'd like to execute the lease on that space & get started. We have a self imposed deadline to be up & running by July 1, 2009. We'd like to get some kids in for a summer program to introduce them to the business, to get

a couple of kids in for the fall semester. Everybody is now starting to look for preschools. We know that we are coming in late."

Brett, "From the comments so far, it sounds like you have PC support." Mr. Quast, **"We'd like to come back to the next meeting." (formal discussion & approval) PC agrees. The Quast's will have paperwork to Building Department by Monday, March 2, 2009. Next meeting is 3-12-09.**

Discussion: political signs; current zoning regs. pertaining to political signs

handouts from Ondrey:
-MEMORANDUM, Political Sign Regulation, 1-8-09, (4 pages)
-Burton Village political sign definition (1 page) prepared by Todd Hicks, Ondrey's partner

Brett explained that over the last couple of years there has been an increase in political signs. During the November 2008 presidential election, there was one sign in particular that was large. Residents complained. Brett wonders if there is anything SR can do to regulate political signs. I.e. size length of time they are allowed to be displayed, placement.

The SR zoning code defines political signs (Pp. 11 (88) 'a temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within 10 days following the election or as otherwise provided by the Ohio Revised Code.'

Ondrey, "The Ohio Supreme Court cut out the legs of local regulations in regard to political signs. It's an issue of free speech. The case came out of Painesville, Ohio. Result: Painesville's political sign ordinance is invalid. Not too long ago, a challenge to the city of Hudson's new regulation on political signs went to the Courts. The 9th District Court of Appeals out of Akron ruled as improper when Hudson ordered a political sign to be taken down because it exceeded their maximum square footage of 8 square feet for temporary signs. The sign measured 32 square feet. The court invalidated the ordinance as being an unnecessary burden on free speech."

Ondrey, "Painesville instituted a regulation that any temporary sign can be up for 40 days. Cleveland Heights' regulation says, 'temporary signs related to a specific event, such as a primary, general or special election, shall be removed within 5 business days after the event has concluded'."

Ondrey, "The Supreme Court indicated that traffic, safety & aesthetics are legitimate government interests & regulations pertaining to whether or not the sign was in good condition & repair would be legitimate. You don't have to allow beat up signs."

Ondrey, "Illumination is an issue nobody has taken in front of a court. If you could justify a regulation, as being a safety or traffic concern, you could probably survive that."

Conclusion of MEMORANDUM, Pp. 4 Ondrey, "We have to have 'a substantial government interest that can be articulated & proven as a legitimate problem before action is taken.' That means we can't just say any sign over a certain size is going to be a safety hazard or a traffic problem. We can't have regulations about what the message can be. That would be 'subject to strict scrutiny' by the courts & rarely are you able to defend one of those. You can't restrict political signs to only residential property."

Ondrey, "If we wanted to craft something, it would address: (1). The condition of the sign (2). Safety issues, possibly including illumination (3). The size. We might want to put a size limitation. It would have to generous."

Review Burton Village sign ordinance. Ondrey, "Todd Hicks has made it clear that if it were challenged, Burton may not be able to defend the 8 square feet with a maximum height of three feet or the limit of one per candidate or issue per lot. Burton enacted this. The question is, how concerned are you about these political signs? We could do nothing."

Brett, "The issue with making it too stringent, is that someone could challenge it & then we'd be tied up in a legal battle which would cost the village significantly in legal fees to fight it."

DiMichele suggests that the regulations of SR temporary signs & political signs be consistent. Hocevar, "Temporary signs: 30 days, 3 times per calendar year, maximum square footage is 14 square feet. The political sign on Bell Road was 32 square feet, 4'X8' & it had flood lights."

Brett likes Burton's ordinance. Brett, "My concerns: placement, size, illumination, when they go up, when they are removed, how many per lot. This was an issue. It wasn't just one house. It was a number of them. I received a number of calls from our residents that were not happy. My response was, at this point in time, we don't have anything that we can give to the zoning commissioner & tell him to remove them."

DiMichele, "Can we put that they have to get permission from the property owner to post a sign on their property? I have a corner lot & people are always putting signs up without my permission." Ondrey, "We can clearly prohibit them within the right-of-way. The Ohio Supreme Court indicated that aesthetic problems might be a legitimate issue for your regulations." DiMichele, "That's subjective. How do you enforce aesthetics?" Ondrey, "They are talking about amount, size, the number of them."

Foley, "You said keep them out of the public right-of-way. That's always an issue. People put them up on vacant lots or open space. We had a zoning ordinance of prohibiting them from putting them on a vacant lot or open space." Ondrey, "How do you know that a lot owner didn't give permission to put it there?" Foley, "We didn't care. If it's open space, if there wasn't a structure, we'd tell the zoning inspector to take it out."

SIZE: Burton, maximum size is 8 square feet, 2½'X3'. Typical political sign is 18"X24". SR considering 3'X2½'. Ondrey, "If the regulation requires the

sign to be setback so many feet from the road, what's the harm of a large sign? What is the village's intent in prohibiting a large sign if it's not affecting traffic or affecting other public safety concerns? You have to error on the size of large. This 9th Circuit case, the sign was 32 square feet & they said ok."
No decision

HEIGHT: Three feet? Ondrey thinks it is too low. Ondrey, "You want to get to a height where you say if it's higher then that, it might block traffic or people can't see from yard to yard. Why would it be dangerous at 4'? If you can't come up with a reason, then you shouldn't make it that small. It can be no bigger or taller then would prevent safe circulation of traffic – can't obstruct traffic. If someone got that extreme, then we have the basis to challenge it." Foley, "There are tables of dimensions used for site distance issues: eye height in a car, 4' or 5'." **No decision**

CONSTRUCTION MATERIALS: Ondrey, "The Ohio Supreme case indicated that construction materials are a legitimate issue. They can't be flimsy or blowing around the yard." Brett, "They can't be permanent signs that are mounted for a short period of time. So they can't be mounted with a 4x4 post & plywood material." Ondrey, "The question is why when they are removed after the time limitation that you are putting. Say we go with 40 days. What's the difference if they pull those 4X4's out of the ground?"

Brett to Hocevar, "Would we allow a 4X4 to be used with temporary signs?" Hocevar, "We don't determine what they are made of." **No decision**

PLACEMENT: Hocevar, "The rest of our signs & ordinances state that they have to be 25' away from edge of pavement." Foley, "To say outside of the right-of-way, that's ok. It's a safety issue. But, once you put it out there, what's the rationale?" Hocevar, "We do that on all our signs in every district; 25' away from edge of pavement." Ondrey, "If we match it with right-of-way, the bigger the question mark." Brett, "The 25' back from pavement, if we based it on right-of-way, which is 30' from the center of the road usually…" Foley, "We have some roads that are private so referencing it from the edge of pavement makes more sense. You are talking about right-of-way. What if you don't have right-of-way?"

Foley, "The difficulty is with placement. An 8 square foot sign gives a blind spot as you come on to oncoming traffic. Part of the reason you look at hedges & other physical features at intersections is that. Other characteristics, being too close to a corner, is a problem. Four feet can be a problem depending on the grade of the road. It's a real issue. Brett, "If we defined this as 15' from the edge of pavement, the height is doable from a safety perspective." Ondrey, "**No signs permitted within the right-of-way or 15' from edge of pavement, which ever is greater.**" PC agrees.

ILLUMINATION: Ondrey, "At night did lights (on the sign referenced earlier) cause glare? Then it's a safety issue." Brett, "It's a distraction. It clutters up the neighborhood." DiMichele, "A nuisance." Brett, "Illumination issue may be easy to defend based on safety concerns." Hocevar, "There is nothing about illumination in the temporary sign regulation. Our zoning book has performance regulations. 'Glare from (?) of illumination or materials beyond the lot occupied by the use shall not be permitted." Ondrey, "That means to me that we do allow illuminated signs. The glare can't be a problem for adjacent properties. So why are we now saying you cannot illuminate?" Foley, "It's a safety issue. It draws your eyes." **PC agrees to prohibit illumination due to safety concerns.**
TIME PERIOD: Ondrey, "I think you have to stay away from tying them to the election itself. Safest route is to say you can have them up for X amount of days." DiMichele suggests going with temporary sign regulations: 30 days, three times a year & enforce that regulation." Ondrey, "I don't think SR would loose on that challenge but, 30 days at election time may be a narrow window. Cleveland Heights: 40 days. Once we figure out what we want, then we say do we handle this with new regulations for the temporary signs, so we don't single out political signs? Or do we want to have a separate paragraph about political signs? Temporary signs require a permit." Flaiz, "I think political signs ought to be a looser regulation then temporary signs." Ondrey, "Yes. We'd have a better shot defending it." Brett, "I like, remove them within 10 days after the election."
PC agrees: 40 days & remove them within 10 days of election.
OF SIGNS: Ondrey's reaction to limiting the number of signs per parcel, "It doesn't fly. I think it's indefensible. If you could legitimately say someone's use of signs is a nuisance, the Ohio Supreme Court said that can be regulated. You don't have to put up with a nuisance. But, defending a nuisance is a difficult thing to do. Maybe you can have a regulation that prevents so many signs that in our opinion it's a nuisance."

Flaiz, "Maybe you get a certain number in the front setback; a number of signs per square footage of the front setback." Ondrey, "Or in any given election, how many candidates or issues might be on a ballot? 25? There shall be no more than 25 signs. The rationale is that it gives the ability to put up a sign for every candidate or issue that a person is supporting or opposing. That person is given the opportunity to express an opinion, but not 60 times over. Brett, "I'd rather not have it in there. If the zoning inspector shows them the ordinance, they take down the huge sign & put up 25 signs. That doesn't seem to get us very far."
No decision

Ondrey will try to come up with a phrase that relates to traffic issues with regard to height & size; something that prohibits signs that would cause traffic hazards.

Lighting: refer to handout of Hunting Valley's regulations from Dave Hocevar

Flaiz refers to some lights in the commercial districts. Flaiz, "The mounting of gigantic lights are throwing an enormous amount of light all over the parking lot i.e. Ann's Day Care, (5188 Chillicothe Rd.) & Lechman's building (1188 Bell Rd.) I can see the glow from my backyard. I'd love to see the Village do something. Residential regulations – I don't think anything's wrong or too obnoxious. Maybe we should have some standards especially in the commercial areas because some of our commercial areas are so close to our residential area. I would like to see something that would keep it somewhat under control."

Hunting Valley light regulations: Flaiz, "It's way too much." Hocevar, "It's hard to enforce." DiMichele, "It's very restrictive." Flaiz likes the wattage limitations, some of the shielding that it has. Flaiz, "Having a restriction for commercial zoned areas would be good."

Brett, "When a new business builds a building, do they have to have lighting plans approved by ABR? Do we have any controls?" Hocevar, "We do. I don't know how enforceable it is. We do tell them to follow a lighting scheme. We ran into that on East Washington Street with the new building. (next door to Cawrse's original building at 547 E. Washington) I'm wondering if this performance regulation, standards that we have on the books, if we don't turn around & tie that into lighting regulations for commercial because the performance regulations call it business & industrial. It says you can't see the glare of light on the adjoining property. Maybe we just adopt that. That's our big concern. Right? Turn that around from parking lot lighting to lighting in general."

Ondrey to Flaiz, "Just because you can see it, doesn't mean it's necessarily glare. Hunting Valley defines glare: 'it's sufficiently greater than the light level to which the eyes are adapted so as to cause annoyance, discomfort or loss of visibility.' We're trying to avoid glare. Light pollution is probably a different issue." Hunting Valley's definition of light pollution: 'wasted light diverted into the sky which results in sky glow & the loss of the natural beauty & visibility of the sky & stars.' Ondrey, "They are going to scream that they need it for security."

DiMichele wondered if something is put into effect, can SR go after the lighting that already existed before the regulation. Ondrey, "Hunting Valley doesn't worry about that issue. They said some date after the effected ordinance, you are going to comply. What we talked about in the past with signage, is a phase-in period. New sign regulations that made current signs nonconforming, we gave them a certain amount of time, a couple of years, to come into compliance. The curt says that is ok."

Ondrey, "Is it fair after someone has paid for the lighting to tell them to change it?" Flaiz, "One of the property owners told me First Energy provides those lights for free. They charge the business owner like they charge the Village for a street light." Brett, "But, they'd have to replace it & pay out of pocket."

Brett, "It sounds like what we don't have is anything enforceable. I do think this is a legitimate topic." DiMichele, "Most can be reaimed." Brett, "I don't think we want to go after existing businesses. The Village started to look at a campus lighting plan. It turned into a $10,000. project expenditure. I put the brakes on that."

Flaiz will take the lead on this. He will review lighting concerns & review Hunting Valley's lighting regulation.

Fences: refer to handout of Hunting Valley's fence regulations from Jim Flaiz

Flaiz, "There were a few incidents in SR in the last couple of years where property owners with large lots, over an acre, put board on board privacy fences 6',7' 8' high. They enclose their entire backyards. We got some complaints; one on Maple Hill, one in Belmeadow & some on the western end on small lots. These are in neighborhoods with no subdivision regulations about fences. Looking into this as a response to residents' complaints, the Building Committee thinks it is fair to regulate fences."

Flaiz, "I pulled up Hunting Valley's regulations because we had talked about how many linear feet we could put up. Hunting Valley puts a percentage of the perimeter of the parcel. Large lots get more linear feet of fencing. We liked this concept. Another thing it had: privacy fence vs. split rail fence. A couple complained about an aluminum chain link fence that their neighbor put up. Do we want to regulate chain link fences?"

Flaiz, "I live in Bellwood, one acre lots. Conceivably, my next door neighbor could put up an aluminum, chain link fence around his one acre lot or put a 7' board & board privacy fence." Current fence regs.: maximum 6' high & 3' off the property line.

Flaiz, "The Building Committee was going to draft something & take it to Council. Instead they decided to bring it to PC."

Brett, "The long and short of it is to put the Village in a position to control homeowner's from fencing the entire backyard. The front yard is not in play. Coming up with a way for that to occur - but not the whole backyard - Hunting Valley has 15%. One thing I struggle with is on a one acre lot that has 40,000 square feet of fence." PC tries to figure out size of fence at 15% of perimeter for one acre lot.

Flaiz, "In Hunting Valley, 15% just applies to privacy fences. You can do a split rail. You can't do a board on board, 6' high privacy fence. These privacy fences are screening a deck or a hot tub, not to enclose the whole backyard. The other thing the Building Committee talked about is doing something with a chain link fence." Brett, "I agree that chain link fences need to exist for people who have dogs for example. I think it ought to be very small. The 15% seems thin. It seems small to me." **For the next meeting, Hocevar will draw a few lots showing fences at '15% of the perimeter of a parcel of property' per Hunting Valley's regs.**

OLD BUSINESS: DiMichele, "Is there a regulation against roosters? SR regulates pigs.
NEW BUSINESS: A ballroom dance studio might rent space at 530 E.Washington (formerly Milbar). They would need PC approval

Next meeting: March 12, 2009 at 7:30 P.M.

No further business. The meeting adjourned at 9:15P.M.

Acting Chairman, Matt Brett

Maggie Tomaro

secretary, Maggie Tomaro

1155.15 FENCES.

(a) As used in this section:

(1) "Chain link fence" means a fence consisting of loops of wire interconnected in a series of joined links. It is not an open or ornamental fence.

(2) "Deer fence" means a mesh-type black plastic fence designed and constructed for the purpose of preventing deer from gaining access to any part or all of a parcel of property.

(3) "Entry feature fence" means a fence, wall, pillar or pier located near a driveway of a property, which is visible from a public or private right of way, the effect of which is to identify an entrance to the property.

(4) "Living fence" means a fence consisting of the natural growth or placement of hedges, trees, bushes, plants or a combination thereof into a vision obstructing or solid fence.

(5) "Open or ornamental fence" means a split rail or board fence which, as viewed at ninety degrees from the fence line, shall be at least sixty-five percent (65%) open and unobstructed.

(6) "Privacy fence" means a fence constructed so as to prevent public view and to provide seclusion.

(7) "Property line wall" means a stone wall, located on the property line or along a right of way.

(8) "Screening fence" means a fence approved by the Planning and Zoning Commission for the purpose of screening vehicles or equipment under and pursuant to Chapter 1367 of the Building Code. Such a fence shall not be subject to the provisions of this code.

(9) "Security fence" means a fence designed and constructed for the purpose of protecting persons and property.

(b) Properties shall be open and unfenced, have an open or ornamental fence, or have a living fence. However, up to fifteen percent (15%) of the perimeter of a parcel of property may have a privacy fence. Deer fences may be conditionally permitted, as provided by subsection (k) hereof, property line walls and entry feature fences may be conditionally permitted, as provided by subsection (l) hereof, and security fences may be conditionally permitted, as provided by subsection (m) hereof.

(c) An open or ornamental fence may be five (5) feet high; the posts may be six (6) feet high, and shall be made of natural materials.

(d) A living fence shall be planted so as not to overhang adjacent property.

(e) A privacy fence may be seven (7) feet high and shall be made of natural materials.

(f) A chain link fence is permitted around the garden, tennis court or pool patio or to contain domestic pets. It shall not be located in the front yard of a property, unless totally obscured by an exterior living fence, and shall be set back at least ten (10) feet from any property line.

(g) In the event a stockade, board or similar fence having a finished and unfinished side is constructed, the finished side of the fence shall face towards the contiguous adjoining properties or street, and the unfinished side shall face towards the lot upon which the fence is constructed.

(h) No fence shall be located within fifteen (15) feet of the curb or edge of the pavement of a public or private road or street.

(i) On corner lots with frontage on two roads or streets, no fence shall be located between the building line and the curb or the edge of the pavement of either road or street, except in accordance with Section 1155.14.

(j) The height of a fence shall be measured from the approved grade to its highest point, and the mounding of earth at or near the fence line shall not be permitted except in accordance with a plan approved and a permit issued under Chapter 1303 of the Building Code.

(k) Deer Fences.

(1) A deer fence which surrounds a garden, orchard or other point of horticultural interest on a parcel of property and which is not located, at any point, on the perimeter of the property and cannot be seen from public or private roads or street shall be permitted without action by or notice to the Village.

(2) Deer fences which do not meet conditions set forth in paragraph (1) hereof are permitted for a period of two (2) consecutive years upon the establishment of the following conditions to the satisfaction of the Planning and Zoning Commission:

A. The fence will be adequately screened so as to be not visible from any public or private road or street or from any neighboring properties.

B. Alternatively, the applicant may establish that the neighbors who will be able to see the fence do not object to being able to see the fence.

C. In the event that the fence is visible from a public road or street, the applicant must demonstrate both the need for the fence and the inability to provide the appropriate screening.

D. The Planning and Zoning Commission may establish such further conditions as it deems necessary for the protection of the Village's health, safety and welfare, including but not limited to conditions for the protection of wildlife and the rural character of the community. The Building Inspector shall maintain a copy of such conditions.

(3) Deer fence permits may be renewed, for a period not to exceed two (2) years, upon the demonstration by the applicant to the Building Inspector that the fence has been properly maintained, that no neighbors who are able to view the fence object to the fence's continued visibility, and that none of the conditions of the permit have been violated. In the event a neighbor who can see the deer fence objects to the continued visibility of a deer fence, the applicant must apply to the Planning and Zoning Commission for a permit in the manner set forth above.

(l) Property Line Walls and Entry Feature Fences.

(1) Property line walls and entry feature fences shall be conditionally permitted by the Architectural Board of Review, based upon the criteria in this section.

(2) Property line walls and entry feature fences shall relate to, and be consistent with, architectural features of structures located on the same property, which are visible from the proposed wall or entry feature.

(3) Property line walls and entry feature fences shall be natural fieldstone, dry- laid or with deeply raked mortar joints. These walls shall not exceed four (4) feet in height, except that their end piers may be five (5) feet high. The walls and piers may be capped with the same stone, within the height limits specified.

(4) The gates of an entry feature fence may be wood, left to weather to a natural finish (or such color as may be approved by the Architectural Board of Review), or wrought iron, painted black, of a simple design. The gates shall not exceed five (5) feet in height.

(m) Security Fences.

(1) Security fences may be conditionally permitted by the Planning and Zoning Commission based upon the following criteria.

A. Security fences shall be constructed of black vinyl coated chain link without horizontal member or such other materials as may be approved by the Planning and Zoning Commission. Security fences may include electronic sensors designed to identify intrusion but in no event shall the use of barbed wire, razor wire or electrified fencing be permitted.

B. Security fences shall not exceed seven (7) feet in height, provided however, that a security fence may be integrated with a privacy fence as authorized in Section 1155.15(b).

C. No security fence will be permitted if it will be visible from a public right of way. Security fences which are visible from private driveways may be permitted provided that any applicable homeowners association signs a written consent.

D. The fence shall be screened from view from any neighboring property using vegetation or earth forms in a manner consistent with the rural character of the Village.

E. Security fences and associated screening shall be maintained in good repair at all times.

F. The Planning and Zoning Commission may establish such further reasonable conditions as it deems necessary for the protection of the Village's health, safety and welfare, including but not limited to conditions for the protection of wildlife and the rural character of the community. The Building Inspector shall maintain a copy of such conditions.

(Ord. 2002-104. Passed 6-11-02.)

TO: PC

2-12-09
from Ondrey

MEMORANDUM

TO: David Ondrey

FROM: David Johnson

DATE: January 8, 2009

SUBJECT: Political Sign Regulation

Since the invalidation of the Painesville political sign ordinance, you have asked me the state of the law as to the requirements of a political sign zoning ordinance. Below is a synopsis of my research.

Analysis

The right of freedom of speech is guaranteed by the First Amendment to the United States Constitution and is applicable to the states, and its political subdivisions, as a result of the Fourteenth Amendment. *City of Hudson v. Arshinkoff*, 2005 WL 3556412, 2005-Ohio-6976 (*Citing City of Painesville Bldg. Dept. v. Dworken & Bernstein Co, L.P.A.* 89 Ohio St.3d 564, 566, 733 N.E.2d 1152, 2000-Ohio-488). Similarly, Article I of the Ohio Constitution further protects speech, providing that "no law shall be passed to restrain or abridge the liberty of speech." City of Hudson at ¶7 (*quoting* Section 11, Article 1, Ohio Constitution). The posting of a sign conveying a political message is protected as "virtually pure speech." *Painesville* at 567 (citations omitted). As such, any zoning ordinances regulating political signs must conform to First Amendment requirements.

In Ohio, two recent cases address the requirements of the regulation of political signs, *Painesville* and *Hudson*. In *Painesville*, a law firm placed a political

sign on their property in violation of an ordinance limiting political signs to 17 days preceding and 48 hours after any primary, general, or special election. The Ohio Supreme Court held that this ordinance violated the First Amendment. In *Hudson*, a resident had a "Bush/Cheney" sign that measured thirty two square feet, in violation of an ordinance limiting the square footage of temporary signs to eight square feet. The Ninth District invalidated the ordinance as being an unnecessary burden on free speech.

First Amendment Requirements

In order to determine the constitutionality of an ordinance, in terms of the First Amendment, it is necessary to determine whether the regulation imposes a content-based or content-neutral governmental burden on speech. *Id* (*Citing City of Ladue .v Galileo* (1994), 512 U.S. 43, 59, 114 S.Ct. 2038, 2047, 129 L.Ed.2d 36, 50 (O'Connor, J., concurring)). Content-based regulations are reviewed under a standard of strict scrutiny, whereas a content-neutral regulation must be shown to address a substantial state interest and that "alternative methods of communicating the message exist despite the imposition of reasonable time, place, and manner regulation." *Id* at 568. The regulation, however, must always be narrowly tailored to meet the government's interest whether it is content-based or content-neutral. *Id.*

A content-neutral regulation has been defined as "speech regulations as those that ... are *justified* without reference to the content of the regulated speech." *Hudson* at ¶14 (*quoting City of Renton v. Playtime Theatres, Inc.*, 475 U.S.41, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986). For example, In *Hudson* a

regulation limiting the square footage of signs was content-neutral because it does not regulate based upon the message on the sign. *Id.*

Substantial Government Interest Requirement

As stated above, any regulation burdening free speech must be enacted to address a substantial government interest. In *Painesville*, the Ohio Supreme Court, in dicta, stated that the regulation of the types of construction materials that will likely lead to litter or other aesthetic problems could be constitutional. *Painesville* at 573. To address this concern, the Court indicated that a time limitation for a specific temporary sign would be constitutional so long as it was not tied to a specific date. The Court also recognized that traffic safety and aesthetics are a legitimate government interest. *Id.* The Court rejected, however, the argument that the city had a compelling interest in limiting the amount of time it is subject to the "psychological and economic effects produced by these signs." *Id* at 571.

The Ohio Supreme Court's discussion in *Painesville* can be contrasted with the Ninth District's discussion in *Hudson*, where the Court questioned the legitimacy of aesthetic purposes as the government interest. *Hudson* at ¶17.

> We believe homeowners have the same strong incentive to keep their property values up and to prevent visual clutter in their yards and neighborhoods as does the [city]. 'The private interests of owners in the market value of their property should very substantially diminish the city's concerns regarding the unlimited proliferation of signs.'

Id (*Citing Dimas v. City of Warren*, 939 F.Supp. 554 (E.D.Mich.1996)). The Ninth District noted, however, that the city failed to show any specific aesthetic or traffic

from Oral, PC
2-12-09

problems associated with the ordinance and then concluded that the ordinance was not enacted to address any specific problem. This suggests that it is necessary that any speech burdening regulation be tailored to address an actual problem, not simply a potential interest of the city.

Conclusion

Any ordinance that regulates political signs should have a substantial government interest that can be articulated and proven as a legitimate problem before action is taken. Once a government interest is established, the regulation should not encumber the message on the sign in any way, otherwise the ordinance will be subject to strict scrutiny. The ordinance needs to be drafted to limit its scope to specifically addressing the interest articulated for the implementation of the ordinance. The ordinance cannot restrict political signs to only residential property. Finally, the ordinance must leave an adequate alternative avenue to communicate the message.

(4) from Only PC 2-12-09

- political sign info. from D. Hocevar, for PC 2-12-09

(81) Open Space: Common land in a subdivision which is dedicated or permanently assigned to park or recreation use, excluding areas covered by streets, rights-of-way and easements where the use of the easement is detrimental to the health, safety or welfare or potential users of open space. Open space may be dedicated to the public if the Planning Commission recommends the same and Village Council accepts the offer of dedication of the Open Space as public land.

(82) Outdoor Sales: Permitted retail sales outside of a structure.

(83) Owners Association: An organization of all owners in a condominium property provided for by Chapter 5311 of the Ohio Revised Code.

(84) Parking Space: An open or enclosed area accessible from a street or access drive for parking the motor vehicles of owners, occupants, employees, customers or tenants of the main structure or use. Each space shall be at least nine feet wide and include at least 180 square feet, excluding drives, curbs and turning space. The number of spaces shall be determined from an accurate plan of the area. Where the computation of required spaces results in a fraction, one additional space shall be provided.

(85) Parks: Public or common land proposed for dedication or permanent assignment as outdoor recreation land.

(86) Personal Services: Services such as beauty and barber shops and interior decorating. Laundries, laundromats, tailoring, pressing and drycleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products.

(87) Pole Sign: "Pole sign" means a sign supported by a pole or poles, which are placed upon the ground and are not a part of any building, the bottom which sign is at least 3 feet above ground or grade level.

(88) Political Sign: A temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within ten (10) days following the election or as otherwise provided by the Ohio Revised Code.

(89) Ponds: Any body of water having a surface of less than one acre.

(90) Private Cluster Residential Development: A development at least fifty acres in size of single family detached dwellings located on private sublots known as Envelopes, generally clustered on private spur roads, or located adjacent to common areas abutting public streets with the balance of the development held for the benefit of all Envelope owners in common land, which may be developed in the district zoned R-2, Residential, Multi-family. (Added by Ord. No. 1992-8, passed 02-24-92)

(91) Private Garages: Enclosed structures attached or detached to the main use used exclusively for the storage of automobiles owned by the occupants of the main use.

PC. 2-12-09
Burton Village is info.
prepared by Todd Hicks
- hand out to pc. from Oridy

(e) Political Signs. A political sign shall be any sign concerning any candidate, political party, issue, levy referendum, or other matter whatsoever eligible to be voted upon in any general, primary, or special election; or any sign advocating any type of political action. Political signs shall be non-illuminated, a maximum area of eight (8) square feet per face, a maximum height of three (3) feet, and a minimum setback of twenty (20) feet from the edge of the paved portion of the roadway. No political sign shall be posted on trees or utility poles. There shall be a limit of one (1) political sign per candidate or issue per lot and no permit shall be required for such signs.

(f) Public/Religious Signs. Public/religious institution signs shall be non-illuminated, maximum area of twenty (20) square feet per face, a maximum height of six (6) feet, a minimum setback of ten (10) feet from the edge of the right-of-way and ten (10) feet from the side yard. There shall be a limit of one (1) public/religious institution sign per institution, which may be displayed for a maximum period of twenty-one (21) days. No such signs shall be erected until an application is filed. Such signs shall be removed within five (5) days after the event. If not removed, the Zoning Inspector shall cause the same to be removed. Signs erected for 24 hours or less require no permit, however, shall observe the siting requirements of this section.

Banners for events which are open to the public and conducted by a not-for- profit organization shall not exceed 50 sq. ft. and may be displayed on private property with the owner's permission. Permit and length of display shall be treated the same as Signs under this section.

(g) Employment, for Sale, for Rent or for Lease Signs. Temporary signs may be displayed for the purposes of advertising the hiring of employees and/or for the sale, rent or lease of buildings, tenant space, and property in the commercial and industrial districts. Freestanding signs shall be limited to 20 sq. ft. in area, a maximum height of six feet, shall be set back a minimum of 10 ft. from the edge of the right-of-way and shall not be illuminated. Only one temporary freestanding sign is permitted per lot. Temporary front wall signs shall not exceed 20 sq. ft. The use of banners or posters constructed of paper, fabric, plastic, nylon or similar flexible fabric shall not be permitted as wall or freestanding signs. No permit is required.

(h) Garage Sales/Yard Sales. The owner of residential property may use temporary banners, signs, or posters constructed of paper, fabric, plastic, nylon or similar flexible material advertising a garage sale, yard sale, barn sale, or the like for a maximum of four days at a time up to four times per calendar year. Such signs shall only be placed on the property where the sale is taking place or on other property where permission has been granted by the owner of such property. No such signs shall be placed in a tree lawn, public right of way, or on any area of public property without first receiving the permission of the Village.

1169.09 NONCONFORMING SIGNS.

Signs for which a permit was issued by the Village made non-conforming by the adoption of the Code shall not be enlarged, structurally altered or reconstructed unless designed and arranged in compliance with this Code. Such signs shall further be subject to all regulations for non-conforming structures established by Chapter 1131.05. Normal maintenance such as painting, cleaning or minor repair is permitted.

1169.10 SIGNS AFFECTED BY CHANGES IN GRADE.

Where governmental action causes alteration of an existing road grade and as a consequence thereof, diminishes the visibility from said roadway of identification or advertising signs of abutting

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
MARCH 19, 2009
7:30 P.M.

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

2. MINUTES: 2-12-2009 **approved as presented**

3. AGENDA:

1). DEVELOPMENT REVIEW/FORMAL DISCUSSION WITH GREG & BARBARA QUAST. THEY HOPE TO OPEN A PRESCHOOL AT 530 EAST WASHINGTON ST. (formerly Milbar). **Tripp, "I move the PC approve – pending approval by the Health Inspector, the state Fire Marshal for sprinklers or safety features that have to be added – the request by George & Barbara Quast to install a preschool at 530 East Washington St." Brett second. Roll call. All ayes. CONDITIONAL APPROVAL**

2) DEVELOPMENT REVIEW/FORMAL DISCUSSION ABOUT A BALLROOM DANCE STUDIO GOING INTO 530-A EAST WASHINGTON ST. (formerly Milbar)
DiMichele, "I will make a motion that we approve the preliminary plans as presented tonight." Flaiz second. Roll call. All ayes. APPROVED

3).CONTINUE TO DISCUSS POLITICAL SIGNS: REFER TO CORRESPONDENDE FROM SOLICITOR ONDREY, 3-13-09 & ORDINANCE AMENDING SECTION 2.01 (88) OF THE ZONING CODE "POLITICAL SIGN"
Changes: Section 1: "Political Sign"; strike the words 'or replaced'
Section 1: #3, Number; eliminate all of #3
Section 1: #4, change to, Whenever a restriction **on** Temporary Signs in a…the lesser restriction shall apply **to political signs.**
Flaiz, "I move that the PC approve the Ordinance Amending Section 2.01 (88) of the Zoning Code "Political Sign" with the changes set forth." Brett second. Roll call: Flaiz yes, DiMichele yes, Tripp no, Sutliff yes, Brett yes.
CONDITIONAL APPROVAL

4). CONTINUE TO DISCUSS LIGHTING: REFER TO HUNTING VALLEY'S LIGHTING REGS. **TABLED**

5). CONTINUE TO DISCUSS FENCES IN BACKYARDS: REFER TO HUNTING VALLEY'S FENCE REGS.
Hocevar handout: drawings show what fences look like under current zoning & if zoning is amended to allow fences to be 15% of the perimeter of a parcel of property. Next meeting, Hocevar will provide more drawings of fences showing different percentages. Flaiz will review SR subdivision regulations pertaining to fences.

4. OLD BUSINESS: **None**

5. NEW BUSINESS: **NEXT MEETING: APRIL 7, 2009 AT 7:30 P.M.**
Perhaps Development Review with restaurant, Panini's; wants to open restaurant at 540 East Washington St. (formerly The Chagrin Valley Tavern). If Panini's is not available, the April meeting is cancelled. Next meeting would be May 14, 2009 at 7:30 P.M.

6. ADJOURN: **8:49 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
MARCH 19, 2009
7:30 P.M.

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

OTHER OFFICIALS: David Hocevar, Building Commissioner, Jaredd Flynn, Solicitor

ABSENT: Ned Foley, Engineer

GUESTS:
Mr. & Mrs. Volok, Ilia & Maria, 4800 Allison Dr. Richmond Hts. 44143
Mary Izant, CB Richard Ellis, 200 Public Square, Cleveland, 44114
Kevin Kanareff, Developer's Reality, Solon

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 2-12-2009 were approved as presented.

Development Review/formal discussion with Greg & Barbara Quast. They hope to open a preschool at 530 East Washington St. (formerly Milbar)
Drawing of site indicating where preschool will be located

The Quast's had an informal discussion with PC on 2-12-09. The PC was in favor of the concept.

Hocevar, "This is a permitted use. It's a new business going into the Village. So they have to come before the PC."

The Quast's were not available. Mary Izant represented them at this meeting. She is with CB Ellis. Izant, "The drawing shows the layout. It's the front building, closest to East Washington Street & on the west side. The state regulates: size of classrooms, size of play area, garden area, requirements for the rest rooms. They are taking one bay & ½ of another."

Brett asked about sprinklers. Hocevar, "That's a different building code. That goes to CT to decide. Currently, there are no sprinklers in the building. They are limited by the square foot area, the means of egress."

Brett to Flynn, "Is there anything that PC looks at in terms of our criteria?" Tripp refers to minutes from 2-12-09, Pp. 1. Ondrey identified 3 major criteria from Chapter 10 of the Zoning Code; Pp. 107 Intent: (1) to assure the most efficient & attractive utilization of sites in relation to surrounding property. (2) to protect the environment by controlling the type & extent of grading, paving, landscaping & other site development activities & to protect the groundwater within & surrounding the municipality. (3) to protect & preserve the architectural character of the municipality.

Brett, "It's good for the Village, a good use for that property. It would be nice to see the first business in that area. I am completely supportive of this project moving forward."

If approved, they will go before ABR for the sign. Hocevar, "The County Health Department will be involved. Our plans examiner will be involved. It's doable."

Time period: Izant, "It'll probably take 90 days to build out. They were hoping for a soft opening in mid-summer & market for the big time in the fall."

Tripp, "I move the PC approve- pending approval by the Health Inspector, the state Fire Marshal for sprinklers or safety features that have to be added- the request by George & Barbara Quast to install a preschool at 530 East Washington Street." Brett second. Roll call. All ayes. CONDITIONAL APPROVAL

Development review/formal discussion about a ballroom dance studio going into 530-A East Washington Street. (formerly Milbar)

Hocevar, "It's a permitted use. They are here, same as the preschool. It's a new business. It needs PC approval."

Mr. Ilia Volok, "We're hoping to bring business to your area & we are very excited. It's a ballroom school. The unit is 530-A." Mr. Volok has never run a dance studio. He worked, for 8 years, at one of the biggest dancing schools in the area. He has danced all his life.

Kevin Kanareff, "They are going to be the most easterly building. It's in the smaller, stand alone office building."

Schedule: Mr. Volok, "We are hoping to be open May 1, 2009." Kevin Kanareff, "The architectural plans are being drawn at this time. As soon as they are done, we'll submit them to Dave (Hocevar). The build out is minimal; 30-45 days once we have the permit."

Space: a little over 3,000 square feet. Hours of operation: Mr. Volok, "At first we are going to be Monday through Friday, 12:00P.M. to 9:00P.M. As we get more business, it'll be open on Saturdays too. Group & individual lessons. Plus we are going to offer some fitness. Maria (Mrs. Volok) is a certified yoga instructor. So we will do some group lessons or private lessons." DiMichele, "That doesn't change anything having both a dance studio & a yoga studio. Does it?" Hocevar, "No."

Brett, "What would the maximum number of people be attending a session?" Mr. Volok, "Our parties in the evening, they take lessons & then stay a couple of hours

just dancing; probably start 20 people. We're hoping to grow up to50-60 a night, even more. We have enough room to accommodate all these people." Brett, "Is there enough parking?" Hocevar, "Yes." Kevin Kanareff, "There is ample parking. There are no exterior changes to that building. The entrance is on the side & that's the way it'll finish out."

Signage: Kevin Kanareff, "We're working on a design now & we'll come in to get it approved."

# of employees: Mr. Volok, "Start with 3: myself, Maria & my younger sister. We're planning to grow."

DiMichele, "I think it's a great addition for the area. It's not another dry cleaner or pizza shop."

DiMichele, "I will make a motion that we approve the preliminary plans as presented tonight." Flaiz second. Roll call. All ayes. APPROVED

Continue to discuss political signs: refer to correspondence from Solicitor Ondrey, 3-13-09 & Ordinance Amending Section 2.01 (88) of the Zoning Code "Political Sign"

Ondrey's letter: 'I did not include prohibition on illumination because we permit illuminated signs in residential districts with certain restrictions as to direction, etc. I do not believe we can prohibit illumination for political signs unless we were to eliminate illumination for all other types of signs in a residential district.'

Sutliff asked if many communities have political sign ordinances. Flynn, "Not many of them. David (Ondrey) researched to see what communities updated their regulations. It's not prevalent." DiMichele, "It seems like they are not enforceable."

Sutliff, "Let's start with the ordinance. It's written generic, like the size is unrestricted. The other one is Section 1 (3) Number: No more than X per lot. Aren't we dealing with free speech?" Flynn, "Yes. That's the problem. How do you curtail free speech? The 9th District & the 11th District Courts ruled that you can't curtail in the situations in Painesville & Hudson, which dealt with size & length of time. There have been a lot of challenges & unfortunately the courts have thrown out the regulations these communities had. That's why you see a generic ordinance."

Flynn, "What David tried to do was focus on what the Supreme Court said you can do. If it's a safety concern such as traffic, you can't impede traffic. So, there is something about being outside the right-of-way or 15'. The size, the Supreme Court said a 32 square foot sign was ok. If it impedes on traffic or a safety issue, you can regulate it. Otherwise, to say a sign is too big, there is no rational relationship to the regulation."

Tripp refers to minutes of 2-12-09, Pp.3. 'Ondrey, The Ohio Supreme Court cut out the legs of local regulations in regard to political signs.' Tripp also refers to the memorandum dated 1-8-09, 'No law shall be passed to restrain or abridge the liberty of speech.' Tripp objects to PC "passing any kind of legislation or ordinance regulating the signs. I think it's a waste of time, energy & money."

Brett, "The last few election seasons, the Village has received a number of complaints regarding political signs: size, illumination, placement, number, when they've gone up, how early they've gone up. At the last meeting, our solicitor gave us a copy of Burton Village legislation. To Ike's point, trying to do anything like that is inviting trouble & could be detrimental to the Village. I think our solicitor was careful with what he was able to carve out. The only thing we have in regard to political signs is when they have to be removed. I think having something in place is appropriate."

Tripp wonders why this issue isn't before Council instead of PC. Flaiz & Brett, "It's zoning." Flaiz, "It can start with Council. It doesn't matter where you start it. It has to go to both places."

DiMichele, "If we have this in place, it's not going to take care of any complaints you got before. Will it?" Brett, "Yes." Brett identifies former complaints: a sign on Bell, signs placed close to the road, signs placed way, way before the political season, signs left after the political season ends, maybe 60 signs in one yard.

Sutliff, "How are you going to enforce this? Take item number 2, 'Materials: Must be constructed of materials which will not likely lead to litter.' Who is going to interpret that? The police? The Building Inspector?"

Flaiz, "Last time we talked about safety issues. Dave (Ondrey) said you can set time limits, but you can't just set a time limit for removal. That needs to be cleaned up. (Ordinance, Section 2, Political Sign) Some sort of time restriction & staying out of the right-of-way are good. I'm not in favor of limiting the number. It seems like that would get us in trouble."

Flaiz, "I think the illumination is ridiculous. Telling someone not to put flood lights on a political sign is not unfairly trampling on their freedom of speech rights. We can't single out political signs. Does our temporary sign ordinance talk about lighting? Personally, I'd like us not to allow illumination for any temporary sign."

Flynn, "I don't believe the code distinguishes between temporary & permanent signs for illumination purposes. If you want to redo the sign ordinances in each of the individual sections – residential, commercial, office - & make provisions to single out temporary being non illumination or permanent being non illumination, then maybe you could do it. Now, residential districts allow illumination signs in general, which include temporary signs."

Brett, "Is it your opinion that we could restrict illumination?" Flynn, "Residential allows illumination of signs. There is no distinction between temporary & permanent signs. A political sign would fall under temporary signs. If you wanted to carve out under the residential zoning code for illumination for permanent signs only & no illumination for temporary signs, then you'd be consistent. It still goes to the first amendment issue of whether you're curtailing speech. To my knowledge, there has been no case about illumination of political signs. At least you'd be consistent. Now you wouldn't be consistent. You'd be carving out illuminated political signs vs. illuminated temporary signs. I would not recommend that you do that."

Question? If this goes into effect - say there is a temporary sign in a residential district that says Ho Ho Ho with flood lights aimed at it – would it be allowed? Flynn, "That's a temporary sign & that's a reason not to do it. There's a way to do it, but you get into other issues." Tripp, "I do put flood lights up the day after Thanksgiving. They come down after the new year, weather permitting. If you are going to abridge my right to do that, I have a problem with that." Flaiz, "Illuminating any sign in a residential area – the one on Bell Road for example- is a safety issue. It was quite a distraction."

Brett refers to Ordinance, Section 1: Political Sign. "Why does it read, 'Such signs must be removed or replaced?" PC discusses. **Decision: strike the words 'or replaced'.**

Section 1: (3) Number. Discussion. Flynn, "It goes to the aesthetic appeal. The 9th District Court in the Hudson case said aesthetics are a reasonable governmental interest. If you are saying you can't flood your yard with the same sign over & over again, what is a reasonable number? You are tailoring it to the issues or candidates on the ballot." **Decision: eliminate all of #3**

Section 1: (4) Language is confusing. Discussion. PC changed it to read, Whenever a restriction **on** Temporary Signs in a… the lesser restriction shall apply **to political signs.**

Flynn, "A political sign ordinance will not be more restrictive than a temporary sign ordinance."

DiMichele wonders if a political sign ordinance can be tied into the Temporary Sign ordinance that already exists. Hocevar, "Temporary signs: allowed for a maximum of 30 days, a permit is required, one _(?)_ for each sign on the outside of the building, 3 times a year with a minimum of 30 days of separation between each temporary sign, not to exceed 14 square feet."

PC agrees to time period of 40 days as indicated in Ordinance, Section 1: Political Sign. PC agrees that time period, placement & safety issues are important for political signs & can be defended if challenged.

Flaiz, "I move that the PC approve the Ordinance Amending Section 2.01 (88) of the Zoning Code "Political Sign" with the changes set forth." Brett second. Roll call: Flaiz yes, DiMichele yes, Tripp no, Sutliff yes, Brett yes. CONDITIONAL APPROVAL

Continue to discuss lighting: refer to Hunting Valley's lighting regs. TABLED

Continue to discuss fences in backyards: refer to Hunting Valley's fence regs.

Existing zoning: maximum six feet tall, three feet off the property line, 25% vertical opening; board on board fence is acceptable, must be behind front setback, can go around the whole perimeter of backyard

Hocevar provided drawings of how fences look under current zoning (green) & if zoning is amended to allow fences to be 15% of the perimeter of a parcel (red). One shows a small lot on the western end of the Village. One is at Ashleigh, a big lot.

Hocevar, "Fences became an issue because some of the smaller lots on the western end are putting board on board fences up across their whole side yards, down their rear yards. There are fences going in now on Laurel & Hazelwood. Two went in the last couple of years. They don't look pretty."

Flaiz reported that Council received some complaints about fences. He & Jack Binder reviewed the Hunting Valley fence regs. Flaiz, "There is a fence on Bel Meadow. A woman put a 6' high board on board around the entire backyard. The neighbors weren't happy about it. Some subdivisions have regulations, but Bellwood for example, doesn't regulate fences. The 15% was taken from the Hunting Valley regs."

Flaiz, "A struggle is to put a linear feet restriction on it. If you have a house on Fernwood (small lots) & one in Bellwood (1acre lots), it doesn't make sense. We looked at a percentage of the lot. But, 15% looks skimpy." One drawing shows 144' of fence. Hocevar, "That's a lot of fence. I t doesn't look like it in the drawing."

Brett refers to the fence in Bel Meadow. "The intention was to have an area where the dogs could go out & play. If you use this 15%, that seems like a pretty small area. That might be too restrictive."

Flaiz, "This would be for privacy fences. There's a house on the corner of Bell & Ashleigh & they did a split rail with chicken wire around the whole lot. It looks nice."

Brett, "Would this promote chain link fences?" Flaiz, "That's something else the Building Committee discussed. Hunting Valley has some restrictions on chain link fences. We talked about putting restrictions on chain link fences."

Tripp, "In South Russell, there are existing subdivisions that have their own regulations with regard to fences. And there are subdivisions with no regulations. We could pass something about fences that goes against an existing subdivision reg." Flynn, "Those regulations (subdivision) will remain in place & be more restrictive than these." (the Villages') Tripp, "It's a safety issue. Some people with dogs don't want them on an invisible fence. They want a fenced yard. If you take that right away from them, they can't have their dogs. Someone who moved out to Ashleigh & you say you've got this big property, but you're only allowed this much fence. People would get very upset. They will be as upset as neighbors in Jim's neighborhood who are complaining about the board on board fence. You are taking my right to privacy away from me. People don't move out here to get their rights trampled on."

Flaiz, "I think people do move out here because they like the open space. They like the way the Village is. Drive into Maple Hill, into Bel Meadow, some of the west end properties, where there are no subdivision regulations, look at the properties who have fenced in there backyards with board on board privacy fences, it looks terrible. People who live near them have complained." Hocevar, "Absolutely." Flaiz, "I understand you are restricting the use of someone's property, but I think the use of these privacy fences to enclose ¾ of an acre is obnoxious. I don't think it's unreasonable to regulate it."

DiMichele, "It's my backyard & if I want to fence it in to keep my dogs & kids in, it's my backyard. I don't want anybody telling me what to do with it."

Sutliff, "Let's assume you take the 15%, how is that going to effect existing subdivision regulations?" Flynn previously said, "Those regulations (subdivision) will remain in place & be more restrictive than these." (the Villages') Flynn, "It might be worthwhile to see what the subdivision regulations are & see if they are more or less restrictive."

Tripp explains procedures for a fence in his subdivision. Hocevar, "That's a great way to do it. But, you take the west end where you have no homeowner's association, that's where the complaints are coming from." Flaiz, "We restrict property rights everyday. Putting some sort of reasonable limit, so people don't put 1,000' of fence is reasonable."

Sutliff wonders how to come up with a percentage. Sutliff, "I agree 15% looks skimpy in either scenario. What's the magic number?'

Hocevar will provide more drawings of fences showing different percentages. Flaiz will review SR subdivision regulations pertaining to fences.

OLD BUSINESS: None

New Business: **Next meeting April 7, 2009 at 7:30 p.m.**
Perhaps a Development Review with restaurant, Panini's; wants to open restaurant at 540 East Washington St. (formerly The Chagrin Valley Tavern) If Panini's is not available, the April meeting is cancelled. Next meeting would be May 14, 2009 at 7:30 p.m.

There was no further business. The meeting adjourned at 8:49 P.M.

Chairman, Walter Sutliff,

Secretary, Maggie Tomaro

ORDINANCE NO.: 2009-_____ FIRST READING _____

SECOND READING _____

INTRODUCED BY: _____ THIRD READING _____

ORDINANCE AMENDING SECTION 2.01(88) OF THE ZONING CODE "POLITICAL SIGN".

WHEREAS, the Courts of Ohio have recognized that the posting of a sign conveying a political message is protected as "virtually pure speech" under both the Federal and the Ohio Constitutions; and

WHEREAS, any regulation burdening free speech must be enacted to address a substantial governmental interest; and

WHEREAS, the Ohio Supreme Court has recognized that considerations such as traffic safety and aesthetics are legitimate governmental interests; and

WHEREAS, the Village of South Russell desires to permit the fullest expression of political speech through political signs yet also safeguard the Village from traffic hazards, nuisance, litter, and aesthetic harm; and

WHEREAS, the regulation of political signage in the Village is, within proper limitations, a substantial governmental interest.

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

SECTION 1: Section 2.01(88) "Political Sign" is hereby amended to read as follows:

Political Sign: A temporary sign concerning any candidate, political party, issue, levy, referendum or other matter whatsoever eligible to be voted upon in any general, primary or special election; or any sign advocating action on a public issue or candidate for public office. Such signs must be removed or replaced within forty (40) days, but in no event longer then ten (10) days following an election event. Each such sign must be located outside the street right-of-way or 15 feet off the paved portion of the street, whichever is greater. No political sign shall be posted on trees or utility poles. Such signage shall also comply with all other regulations for temporary signs in the zoning district in which the sign is located except as follows:

(1) Size: The size of a political sign is unrestricted but must not unreasonably interfere with the movement of vehicles or pedestrian traffic or create or constitute a nuisance upon neighboring properties.

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(2) Materials: Must be constructed of materials which will not likely lead to litter.

(3) Number: No more than _____ per lot.

(4) Whenever a restriction in temporary signs in a particular zoning district conflicts with any restrictions set forth in this Section, the lesser restriction shall apply.

No permit shall be required for such signs.

SECTION 2. Current Section 2.01(88) "Political Sign", the full text of which follows, is hereby repealed.

Political Sign: A temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within ten (10) days following the election or as otherwise provided by the Ohio Revised Code.

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 at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2009-_____ was duly enacted on the ____ day of _____ 2009, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

- political sign info. from D. Hocevar, for PC 2-12-09

(81) Open Space: Common land in a subdivision which is dedicated or permanently assigned to park or recreation use, excluding areas covered by streets, rights-of-way and easements where the use of the easement is detrimental to the health, safety or welfare or potential users of open space. Open space may be dedicated to the public if the Planning Commission recommends the same and Village Council accepts the offer of dedication of the Open Space as public land.

(82) Outdoor Sales: Permitted retail sales outside of a structure.

(83) Owners Association: An organization of all owners in a condominium property provided for by Chapter 5311 of the Ohio Revised Code.

(84) Parking Space: An open or enclosed area accessible from a street or access drive for parking the motor vehicles of owners, occupants, employees, customers or tenants of the main structure or use. Each space shall be at least nine feet wide and include at least 180 square feet, excluding drives, curbs and turning space. The number of spaces shall be determined from an accurate plan of the area. Where the computation of required spaces results in a fraction, one additional space shall be provided.

(85) Parks: Public or common land proposed for dedication or permanent assignment as outdoor recreation land.

(86) Personal Services: Services such as beauty and barber shops and interior decorating. Laundries, laundromats, tailoring, pressing and drycleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products.

(87) Pole Sign: "Pole sign" means a sign supported by a pole or poles, which are placed upon the ground and are not a part of any building, the bottom which sign is at least 3 feet above ground or grade level.

(88) Political Sign: A temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within ten (10) days following the election or as otherwise provided by the Ohio Revised Code.

(89) Ponds: Any body of water having a surface of less than one acre.

(90) Private Cluster Residential Development: A development at least fifty acres in size of single family detached dwellings located on private sublots known as Envelopes, generally clustered on private spur roads, or located adjacent to common areas abutting public streets with the balance of the development held for the benefit of all Envelope owners in common land, which may be developed in the district zoned R-2, Residential, Multi-family. (Added by Ord. No. 1992-8, passed 02-24-92)

(91) Private Garages: Enclosed structures attached or detached to the main use used exclusively for the storage of automobiles owned by the occupants of the main use.

PC. 2-12-09
Burton Village's info.
prepared by Todd Hicks
. hand out to pc. from Ordy

(e) Political Signs. A political sign shall be any sign concerning any candidate, political party, issue, levy referendum, or other matter whatsoever eligible to be voted upon in any general, primary, or special election; or any sign advocating any type of political action. Political signs shall be non-illuminated, a maximum area of eight (8) square feet per face, a maximum height of three (3) feet, and a minimum setback of twenty (20) feet from the edge of the paved portion of the roadway. No political sign shall be posted on trees or utility poles. There shall be a limit of one (1) political sign per candidate or issue per lot and no permit shall be required for such signs.

(f) Public/Religious Signs. Public/religious institution signs shall be non-illuminated, maximum area of twenty (20) square feet per face, a maximum height of six (6) feet, a minimum setback of ten (10) feet from the edge of the right-of-way and ten (10) feet from the side yard. There shall be a limit of one (1) public/religious institution sign per institution, which may be displayed for a maximum period of twenty-one (21) days. No such signs shall be erected until an application is filed. Such signs shall be removed within five (5) days after the event. If not removed, the Zoning Inspector shall cause the same to be removed. Signs erected for 24 hours or less require no permit, however, shall observe the siting requirements of this section.

Banners for events which are open to the public and conducted by a not-for- profit organization shall not exceed 50 sq. ft. and may be displayed on private property with the owner's permission. Permit and length of display shall be treated the same as Signs under this section.

(g) Employment, for Sale, for Rent or for Lease Signs. Temporary signs may be displayed for the purposes of advertising the hiring of employees and/or for the sale, rent or lease of buildings, tenant space, and property in the commercial and industrial districts. Freestanding signs shall be limited to 20 sq. ft. in area, a maximum height of six feet, shall be set back a minimum of 10 ft. from the edge of the right-of-way and shall not be illuminated. Only one temporary freestanding sign is permitted per lot. Temporary front wall signs shall not exceed 20 sq. ft. The use of banners or posters constructed of paper, fabric, plastic, nylon or similar flexible fabric shall not be permitted as wall or freestanding signs. No permit is required.

(h) Garage Sales/Yard Sales. The owner of residential property may use temporary banners, signs, or posters constructed of paper, fabric, plastic, nylon or similar flexible material advertising a garage sale, yard sale, barn sale, or the like for a maximum of four days at a time up to four times per calendar year. Such signs shall only be placed on the property where the sale is taking place or on other property where permission has been granted by the owner of such property. No such signs shall be placed in a tree lawn, public right of way, or on any area of public property without first receiving the permission of the Village.

1169.09 NONCONFORMING SIGNS.

Signs for which a permit was issued by the Village made non-conforming by the adoption of the Code shall not be enlarged, structurally altered or reconstructed unless designed and arranged in compliance with this Code. Such signs shall further be subject to all regulations for non-conforming structures established by Chapter 1131.05. Normal maintenance such as painting, cleaning or minor repair is permitted.

1169.10 SIGNS AFFECTED BY CHANGES IN GRADE.

Where governmental action causes alteration of an existing road grade and as a consequence thereof, diminishes the visibility from said roadway of identification or advertising signs of abutting

B-1 - B-2 District

South Russell

occupied by the structure or use advertised and shall not exceed 20 square feet in total area for each street frontage.

d. Directional Signs: Permanent signs indicating traffic routes or similar features, shall be permitted in addition to the above limitations, provided such signs do not exceed four (4) square feet in total area.

e. Temporary Signs: 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. Banners, flood lights, mobile spot lights and other such displays shall not be permitted. (Ord. 2001-19).

3. Location: Unless otherwise provided, signs shall be located on a lot according to the chart set out in Section 5.02 above and the following regulations:

a. General Location: Signs shall not project over or obstruct required windows or door of a structure, or be attached to or obstruct a fire escape or interfere with other safety provisions. In no case shall signs be located in a manner which might obstruct street sight lines or traffic.

b. Wall Signs: No projection shall be more than 18 inches in front of the wall or project beyond any building corner. Signs shall not extend above the height of a structure or 15 feet above the finished grade, whichever is less.

c. Projecting Signs: No more than one (1) such sign for each establishment or store unit shall be permitted. Such signs shall be attached to the wall and shall project at an angle of 90 degrees therefrom. No sign shall project over a public right-of-way, nor shall it extend above the height of the structure to which it is attached or 15 feet, whichever is less. No face of a projecting sign shall be less than 25 feet from a side lot line or party wall of another store unit.

d. Pole Signs: Pole signs shall not be permitted.

e. Ground Signs:

(1) Location. No ground sign shall be nearer than 25 feet from the curb line or improved margin of any street. No ground sign shall be permitted on or over any public sidewalk, street or other public property.

(2) Size Limitation. The square footage of ground signs that shall be permitted shall be as follows:

24
5-2004

PC

Residential District

4.08 SIGN REGULATIONS - Signs shall be erected, altered, reconstructed or moved in whole or in part, according to the following regulations and those found in Chapter 9 of this Zoning Code. No self-illuminated signs shall be permitted in a residential district. Illumination of signs in residential districts may be permitted provided such illumination is supplied by an external source, does not unreasonably illuminate adjacent property and does not create a safety hazard. In no event shall blinking or flashing illumination of signs be permitted.

The following signs shall be permitted in residential districts:

1. Nameplate: One (1) nameplate not exceeding two (2) square feet in total area shall be permitted for each one or two-family dwelling unit. Such signs shall not be located less than 25 feet from any lot line of the premises. Nameplates shall not be permitted for multifamily dwellings.

2. Bulletin Board: One (1) bulletin board not exceeding 25 square feet in total area shall be permitted on any lot used for public or semi-public purposes. Such signs shall not be located less than 25 feet from any lot line of the premises.

3. Directional Signs: Signs necessary for the safe and efficient movement of traffic on the premises.

4. Temporary Signs: Signs for special events may be permitted by the Zoning Inspector for a specified period, provided the signs are not confused with traffic signs and do not interfere with the movement of vehicular and pedestrian traffic.

5. Real Estate Signs:

a. One (1) temporary sign denoting "For Sale" or "To Rent", not exceeding four (4) square feet in area shall be permitted for each dwelling or lot. Such signs shall not be located less than 25 feet from any lot line and shall be removed within 10 days after the sale or rental of the premises.

b. Temporary development signs which shall not exceed 40 square feet in total area and shall be located not less than 100 feet from any lot lines. Permits for such sign shall be for a period not exceeding six (6) months and may be renewed while construction is being pursued diligently. If no part of the development abuts an arterial or collector street, directional signs not exceeding two (2) square feet in area may be permitted in public tree lawns for specified periods.

c. One (1) permanent development sign indicating the name, owner or manager not exceeding 25 square feet in total area shall be permitted for each development.

6. Elderly Assisted Living District: In Elderly Assisted Living District, one permanent sign indicating the name, address and description of the facility not exceeding 35 square feet in total area shall be permitted for such facilities. Such sign shall be located no

I1 District

Building Frontage (Feet)	Maximum Sign Area (Sq. Ft.)
Under 15	25
15-19	30
20-24	35
25-29	40
30-34	45
35-39	50
40-49	55
50-59	60
60-69	65
70 and over	75

In no event shall any single sign exceed 36 square feet, unless approved by Planning Commission upon a showing by the applicant such limitation unreasonably restricts the applicant's ability to communicate the desired information, and that the proposed sign does not constitute a safety hazard.

Moving signs shall not be permitted.

Sign areas shall be permitted in addition to the areas specified above as follows:

a. Nameplates: Professional offices or service organizations above the ground floor of a structure may have additional signs provided the total area of the signs does not exceed two (2) percent of the floor area occupied by the establishment or 15 square feet, whichever is the smaller. Window signs shall not exceed two (2) square feet in area.

b. Conditional Uses: The design and size of signs associated with conditional uses shall be determined separately for each establishment and regulated by a conditional use permit.

c. Development Signs: Temporary signs announcing a proposed structure or advertising the sale, rental or lease of a structure or use shall be located on the lot occupied by the structure or use advertised and shall not exceed 20 square feet in total area for each street frontage.

d. Directional Signs: Permanent signs indicating traffic routes or similar features, shall be permitted in addition to the above limitations, provided such signs do not exceed four (4) square feet in total area.

e. Temporary Signs: Signs announcing special business events shall be permitted on the outside of buildings and in the yards where other signs are permitted, to a maximum of 60 days, in addition to permanent business signs, provided said signs do not exceed 20% of the building frontage area. Banners, flood lights, mobile spot lights and other such displays shall not be permitted. (Ord. 2001-19).

CHAGRIN FALLS

1143.13 TEMPORARY SIGNS.

Temporary signs shall be permitted only in accordance with the following regulations:

(a) Business Window Signs. In business districts, temporary window signs are permitted provided that such signs occupy no more than thirty percent (30%) of the window area and are displayed no more than ten days. The window area of each building or unit thereof shall be measured to include all glass area of windows and doors on the ground floor portion of the building frontage. Glass area covered in a relatively permanent manner by nontransparent material shall be excluded from this measurement. Wherever possible, temporary window signs shall be clustered so that relatively large portions of window area remain unobstructed.

(Ord. 1986-32. Passed 8-11-86.)

(b) Real Estate and Development Signs. Real estate signs and development signs shall be permitted as temporary, nonilluminated signs located on the subject property provided that such signs are displayed in compliance with the following regulations. Unless otherwise noted, such signs are permitted as ground, wall or window signs.

(1) Real estate signs: one- and two-family dwellings. One real estate sign advertising the sale or rental of property shall be permitted for each dwelling or vacant lot provided that such sign exceeds neither six square feet in area nor six feet in height. For attached single-family dwellings, such signs shall be restricted to window signs,

(2) Real estate signs: nonresidential uses. One real estate sign advertising the sale or rental of property shall be permitted for each nonresidential establishment provided that such sign exceeds neither twelve square feet in area nor six feet in height. For establishments which lack direct and exclusive ground floor access, such signs are permitted only as window signs.

(3) Development signs: one- and two-family dwellings. For subdivisions of seven lots or more and for attached single-family development of seven units or more, one sign announcing the development or availability of properties under construction shall be permitted provided that the sign exceeds neither twenty square feet in area nor eight feet in height and is set back at least five feet from each street right-of-way line. However, such sign may be a maximum of thirty-two square feet in area if set back at least fifteen feet from each street right-of-way line.

(4) Development signs: nonresidential and multi-family uses. One sign

announcing the development or opening of multi-family or nonresidential uses under construction shall be permitted for each lot provided that such sign exceeds neither twelve square feet in area nor six feet in height.

(5) Permit requirements. Permits for development signs shall be issued for a period not exceeding one year. Such permits may be renewed by the Administrator if construction is being diligently pursued and the sign is being well maintained.

(Ord. 1984-20. Passed 11-6-84.)

(c) Temporary Signs on Public Property.

(1) Temporary signs, banners, etc., may be suspended over or placed upon public property only by special permit as provided for in this section. Any such temporary signs shall not be permitted beyond ten days, unless specifically extended beyond such time period for good cause shown by the issuing authority as provided for hereafter. Further, any ground sign may not exceed twelve square feet in size and there may be no more than two signs at any given time, unless a special exception for additional signs is approved by the issuing authority provided for hereafter. The purpose of the temporary signs shall be for civic or community affairs of a public or semipublic nature, and not for private gain.

(2) Temporary signs may be placed upon public property only by special permission of the Mayor.

(3) Temporary signs or banners may be suspended over or placed above public property only by special permission of Council. Such signs shall only be permitted after a surety bond is filed with the Village in an amount determined by Council and conditioned on the faithful observance of the provisions of this chapter and indemnifying and saving harmless the Village from any and all claims, judgments, costs or expenses, including reasonable attorney's fees, which the Municipality may incur or suffer by permitting the erection of any temporary signs as hereinbefore permitted. Alternatively, Council may require a liability insurance policy, issued by an insurance company authorized to do business in the State.

(Ord. 1988-69. Passed 11-14-88.)

exceed twenty-five (25) square feet of sign area per farm. The sign area of farms located within platted major subdivisions shall not exceed four (4) square feet.

(3) Bulletin boards for places of worship, libraries, museums, social clubs, and societies, not exceeding twenty-five (25) square feet in total area.

(4) Entrance and exit signs and signs directing or guiding traffic and parking on private property, provided such signs do not bear advertising material, do not exceed three (3) square feet in area, and are not located within the right of way of any street.

(5) Temporary signs announcing special public or institutional events, including new business grand opening signs, as well as political signs. Such signs shall be removed within seven (7) days of the completion or termination of the event or election and shall not be displayed longer than thirty-seven (37) days in any case. **[Adopted 4-8-2002 - Z-2002-1]**

(6) Home occupation. One (1) home occupation sign for each lot not exceeding four (4) square feet in area.

(7) For sale or rent. One (1) "for sale" or "for rent" sign for each lot not exceeding four (4) square feet in area.

173.10 RESIDENTIAL DISTRICT SIGNS REQUIRING A ZONING CERTIFICATE.

Upon issuance of a sign permit, as provided in Section 173.12 signs are permitted in residential zoning districts in accordance with the following provisions.

(a) Classes Permitted.

(1) Subdivision advertising. One (1) real estate development sign on each street abutting the perimeter of a new residential subdivision may be displayed from the commencement of actual improvement construction until the latter occurrence of either of the following events:

A. Completion of the installation of streets and utility improvements within the subdivision; or

B. Transfer by the subdivider of eighty percent (80%) of the sublots within the subdivision, other than a bulk transfer of all or substantially all of the unsold lots in the subdivision to a successor subdivider or developer.

Each such sign shall have a total area not to exceed fifty (50) square feet. Zoning Certificates for such signs shall be valid for a period not to exceed one (1) year, shall terminate by its terms upon occurrence of the events listed above, and may be renewed if such events have not occurred at the expiration date. If a subdivision is developed in successive phases, the right to display a subdivision advertising sign shall be determined from time to time without reference to phases in which construction of subdivision improvements has

Bainbridge

[redacted]

ADOPTED 10-29-88



VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
APRIL 7, 2009
7:30 p.m.

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

2. MINUTES: 3-19-09 **amended & approved**

3. AGENDA:

    1. Development Review: Kevin McCrone of Conor Services, Inc. hopes to open a restaurant, Panini's, at 540 East Washington St. (formerly The Chagrin Valley Tavern)
    Tripp, "I move that the PC approve the plan submitted by Conor Services, Chagrin Bar & Grill, Panini's. They will have to meet the lot coverage issue & side yard setback issue"- contingent upon ZBA approval. Brett second. Roll call: All ayes. CONDITIONAL APPROVAL
    DiMichele, "In the event that the building plans change to increase the west side setback, PC approves that also." Flaiz second. Roll call: All ayes. CONDITIONAL APPROVAL

    2. Continue to discuss fences; refer to the fence regulations from Hunting Valley
    For the next meeting: 1). Ondrey to look at option of having contiguous neighbors sign off in order to construct a fence. 2).Flaiz to look at a combination: height, percentage of lot for a possible new fence regulation

4. OLD BUSINESS: **political sign ordinance has been forwarded to Council**

5. NEW BUSINESS: **Next meeting: May 14, 2009 at 7:30 p.m.**

6. ADJOURN: **8:40 P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
APRIL 7, 2009

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

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

ABSENT: Ned Foley, Engineer

GUESTS:
Kevin & Chris McCrone of Conor Services, Inc. 4733 Maple St. Willoughby, Oh. 44094

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 3-19-09 were amended & approved.

Development Review: Kevin McCrone of Conor Services, Inc. hopes to open a restaurant, Panini's, at 540 East Washington St. (formerly the Chagrin Valley Tavern)
-drawings of proposed plan given to PC

Kevin McCrone, "What we propose is to completely renovate the property. The outside, we're making the appearance of the building entirely different. Changing the façade, making it look a little more up to date, a little more antiquated appearance with the roof, columns & stone outside. We're updating bathrooms, actually relocating the bathrooms& making them handicap accessible. We're updating all the plumbing, electrical."

McCrone, "We're attempting to go for a variance to be able to build the patio all the way to the end of the property. My hope was to talk to the veterinarian (Ted Panhuis, 536 East Washington St.) who is next door before this meeting. He was on vacation all last week. I intend to show him our intentions & hope he would be in favor of it. I think it would be a nice appearance from his side. I've been told he's very into landscaping. We're putting a lot more green space into our place. We would be glad to do his landscaping on that side. The landscaping of the trees are actually on our property. I've already seen him pruning them a couple of times. So, I know he likes those trees. There

are 6 or 8, 12' to 14' footers. Those are easy to replant. We would try to make the changes so it isn't dramatic."

Sutliff, "As far as you know, are those trees on the property line?" McCrone, "I have not had it surveyed yet. The reason, we carried this about as far as we'll go without having your blessing. It appears that the trees are on our property. I guess some time ago, there was a question about it. This is what I've been told. I have no idea if it's the truth. He thought they were on his property & he continues to maintain them because it looks nice on his property."

McCrone, "Parking remains the same. We might've picked up some additional spots. We're definitely within the requirement. Some green space added. The driveway will have direction now instead of being wide open."

Sutliff, "You're the owner." McCrone, "We will own the building & property. We have an option that we will exercise in a short period of time. We've built quite a few restaurants. Our ambition is to stay involved with this one. We've built restaurants in Concord, Willoughby and Coventry. We built & own a restaurant in downtown Willoughby called Oliver Twist. We've owned it 4 years in September. We've been in the building, lumber business for 15 years. We just closed that in January. The restaurant business has been a passion."

DiMichele, "Are you changing the size of the structure?" McCrone, "The size, no. The only part is on the patio. We'd get garage doors that open both ways. It's all part of the patio that now has doors. There is a back wall."

Sutliff refers to drawing, A-3; the dotted line shows an existing fence & patio. The drawing also shows an addition of the patio on the west side toward the vet. McCrone, "The patio projects out beyond the front of the building. We don't want that."

Brett, "What is changing on the plan?" McCrone, "It's an old style square façade all the way around. We are going to be putting a pitched roof & an overhang with the columns holding up the overhang all the way around. The under siding will be a soffit with lighting that lights the sidewalk in front of the building & around the side. There will be a standing seam roof."

McCrone, "The structure in the back is a cooler. I didn't want a cooler to show so we are going to side it & put a roof over it. It won't be visible from outside, from the parking lot."

A-1, McCrone doesn't know what the dotted line is. McCrone, "It might represent the finished ceiling." He points to the roof line. "It does not go any higher. The cupola is higher. The sidewalk runs across the front to the patio & one off the back too. If there's an emergency, you can get there quicker."

Sutliff, "That new structure you are proposing to build is not a deck on the property line." McCrone, "Correct." Sutliff, "What are the setback requirements?" Hocevar, "15'. They already encroach 13'. They've got a 7' side yard now." Sutliff, "They encroach now with that patio." Hocevar, "Right with that patio." Sutliff, "So you want to increase that encroachment." McCrone, "From the proposed structure, it's approximately 45'-50' from the nearest point of his (vet) garage." Tripp, "from the

existing structure, how many feet are you adding?" McCone, "7". Hocevar, "So now it would be on the property line." McCrone, "A consideration that was brought up today is if we can't accomplish this, we would not object to bringing the fence back & make the patio on either side smaller. But, by the time we shrink this down, it's not very useful."

Sutliff, "When they built that deck, my recollection is that they got a variance." Hocevar, "After the fact. It was piecemeal. They moved it here. Then the fence went around & then a roof went over." Sutliff, "Did Ted (the vet) complain?" Hocevar, "No, not to my knowledge. He had an issue with it one time, but never while they were open." McCrone, "That wall on the back is solid. I think it would be pretty appealing."

Hours: McCrone, "We have a license to stay open to 2:30 A.M. We probably will maintain hours to at least 12:00A.M. We'll be open for lunch; probably open at 11:00A.M."

# of employees: McCrone, "I would say somewhere between 30 & 40. That includes part time & full time. The one in Willoughby seats 240." The drawing shows that this restaurant in SR seats 150.

Sutliff, "Looking at this, it looks like a complete gut." McCrone, "We're going to cut all the concrete out of the interior of the building to expose all the plumbing underground & move everything. There's so much plumbing there now that's been abandoned or presently being used in the wrong location that we would just be chopping up the floor all over the place. We have underground chases for the pop guns, the beer taps. By the time we put those chases in the ground, it would be completely chopped up. The only thing that we've kept is a little electric room. We are trying to work around that because it's where the servers enter. I met with H&AC Electrical today. I'm meeting with the engineers tomorrow to do the mechanicals on the drawings. That's the only room that we've tried to maintain. Once we get approved, we feel it's a bout a 5 month project. By the time we are done, the patio won't be used." McCrone looked at the site 2½ years ago. McCrone, "It never came together. We like the area. The area is driven by patio business. People want to eat outdoors."

Tripp, "This covers basically the entire lot with parking & buildings." Hocevar, "Yes." Tripp, "Are you under any of the storm water containment rules?" Hocevar, "I don't think so. It's existing. They aren't doing anything else & the storm drains are all in the parking lot."

Lot coverage: Hocevar, "Now it's at 95%." Brett, "The lot coverage will go up with the 7' request." McCrone, "I'd be willing to bet if you look at the green space we're adding for the parking, where the sidewalk is, it's not a tradeoff, but it's not radically different." Tripp, "Right because you're coming out in front to angle the parking lot."

McCrone, "We're adding on the one side (near the vet) 560 square feet & I think there is 300 square feet of green space." Brett, "That might be an issue. You may want it so you don't increase your lot coverage when you go to ZBA."

Brett, "Since this has been a restaurant & bar for quite a long time, it fits in with what it has always been. I think it's a good fit there."

McCrone, "The other structure on the site, between moving the bathrooms & the kitchen being enlarged in the back, we've eliminated the rear party room. That'll be part of the kitchen, storage & bathrooms."

Could we make a condition about outdoor entertainment? We've had issues with other restaurants that had some bands in the evening." Ondrey, "I don't think in our development regulations the PC has the ability to impose conditions. That is something the Zoning Board of Appeals could consider when the patio setback issues come before them." McCrone, "That's not a priority. We've had guitar players on occasion." Tripp, "I think a guitar player, a small combo is a nice thing."

Ondrey, "How are you going to maintain the exterior of the west side of the building if you build on the property line? If you need to do any work whatsoever on the exterior of the building, you'll be on the neighbor's property. You might want to think about it for the ZBA hearing. It's a legitimate concern. I don't know if you can work something out with the property owner." McCrone, "If we had to bring it back 2', it would be (?). If it came back to the 7', it would definitely be a (?)."

DiMichele wonders if there were other buildings that go up to the property line. Hocevar, "We may down in the industrial parkway."

Sutliff, "It sounds to me like we're looking at two appeals: lot coverage & side yard setback." Ondrey agrees. McCrone, "Fences are put on the line." Ondrey, "Not in South Russell. They have to be three feet off the line."

Tripp & DiMichele verbally support the proposal: 30-40 new jobs, new business in SR.

Tripp, "I move that the PC approve the plan submitted by Conor Services, Chagrin Bar & Grill, Panini's. They will have to meet the lot coverage issue & the side yard setback issue"- contingent upon ZBA approval. Brett second. Roll call: All ayes. CONDITIONAL APPROVAL

McCrone, "If I do new drawings & I am two feet off the property line, maybe it'll be easier to approach them. Will they accept the new drawings?"

DiMichele, "In the event that the building plans change to increase the west side setback, PC approves that also." Flaiz second. Roll call: All ayes. CONDITIONAL APPROVAL

Continue to discuss fences: refer to the fence regulations from Hunting Valley

-Hocevar provided drawings of fences of 2 properties; one on the western end - a small lot & one on the eastern end of the Village - a big lot. Fences covered 15%, 25% & 50% of the lot
-Flaiz handout of developments & fence policy: 22 developments: 11 permit fences, 5 do not permit fences, 3 NA (Belmeadow, Bellwood, Maple Hill), 3 subject to association approval
-Flaiz handout: Waite Hill's ordinance about fences

Flaiz has received complaints about board on board fences that enclose the entire backyard & chain link fences. Hocevar, "Jim's heard a couple of complaints. I've heard numerous complaints primarily in the western part of the Village. New owners come in & box in the whole yard. I think something to protect property rights & property values is needed. I haven't seen one that looks nice. They look terrible. Board on board fences across the whole back of a west end lot, you've got 160' – 180' of board on board."

Brett, "Looking at percentages, the 15% & 25% look too restrictive. I wouldn't want to see anything less then 50%." Flaiz, "The 50% is 480'. That's a lot of fence. I was in the 20% to 25% range. The 25% is 252' of fence. This is just the board on board. On the small west end lots, 25% is 121' of fence. It's pretty big on that lot size."

Brett, "On that lot that is 210' wide, if you can have 480' (50%) that means along the property line, you would have 80' or 90' of fence that would effect somebody else out of a span of 520'. That doesn't seem that bad." Flaiz, "If your goal is to enclose. If you hate your neighbor & want to run it 480' down the property line, that is a lot of fence. That's one of the issues. A 6' board on board privacy fence, 480' of it is a lot of privacy."

Tripp, "Rather then talking about percentages, fundamentally what are we trying to do here? Look at the subdivision sheet. In 22 subdivisions, 11 of the 22 permit fences. So 11 of 22 permit. That's half & 3 are subject to association approval. So 14 of 22 permit fences. Are we going to pass a regulation that prevents things that over half the subdivisions permit? We're going to stop them from doing this now?"

Hocevar, "The western end of the Village doesn't have subdivisions. From Country Estates down, they don't have any control whatsoever. The eastern end is not the problem. It's not these subdivisions. It's the western end of the Village with the smaller lots that are having the problems." Flaiz, "Maple Hill & Belmeadow are two more."

Tripp, "I think you ought to leave it to the neighbors. If someone wants to put up a fence, make them get a signature from the contiguous neighbors. That will slow things down."

Sutliff wonders what other communities do. Ondrey hasn't studied it. He's not aware of other community's regulations.

Flaiz, "The building committee looked at this. We talked about lineal foot restriction. But 300' on the eastern end is a lot different then 300' on the western end. Hunting Valley had regulations about lot percentages. Theirs is 15%."

DiMichele, "If we pass something, isn't everybody already grandfathered?" Ondrey, "Everybody with a fence would be grandfathered. New fences would be under whatever new regulations you develop." DiMichele, "I'm in Sugarbush. We allow fences. If I decide to put one up, I can't then because you changed the rules?" Ondrey, "You're right Janice. You would be precluded if we adopt new regulations & you haven't yet put up your fence. You loose." DiMichele, "That doesn't seem right."

Tripp, "We've got over half the places that permit fences. We're going to say, no we aren't going to permit fences or we're going to put a 15% reg on it." Hocevar, "Our zoning controls a lot more then homeowner's associations do. We had 6 fences in 2 years. We had 6 groups of neighbors totally against the idea of a fence who lived there 30 years. The new person moved in & wants to put a 6' board on board fence up. It's no different from a shed, a patio or a tennis court. I think you're going to see more & more of this happening. It's going to look terrible. If you don't mind run down neighborhoods & property devaluation because of fences, fine & dandy."

Brett, "I do think this is something PC should evaluate. The fact that some HOA are a yes may mean that they didn't contemplate it. The Bellwood by-laws didn't apply to real life. If you had farm animals, how they had to…" Flaiz, "You couldn't have a two-story house except around the lake." Brett, "I am sensitive to a property owner to put up some fencing. What our Building Commissioner & building committee has raised, I've heard from those people who complained. The appeal of SR is the open space. When those fences went in, it significantly changed that look & feel. I think there's some validity."

Ondrey, "Would regulating the height help at all? You wouldn't allow 6' tall privacy fences, but you might allow a 3' fence. It keeps animals in & doe a little trim work, but people can still see across it." Hocevar, "That's a good idea. Six foot is obnoxious."

Brett refers to a fence that was put up a couple of years ago. "The woman wanted a 6' high fence because it eliminated any potential situation with her dogs. She felt at 4' that could be an issue. Maybe at 4' you can go all the way around, but if you're going up to 6', you can't go over a certain percentage." Flaiz, "Or maybe 4' & increase the visibility from 25% to 50%. It's more open. These neighborhoods that don't have protections, these fences dramatically alter the welcome feel of the neighborhood." Hocevar, "They still have the option to appeal to the ZBA."

Sutliff, "My inclination is that we ought to have some sort of regulation. I don't think that is South Russell to completely fence in a yard with a privacy fence." Flaiz, "A height restriction, percentage of the lot, how much it blocks out - a combination. If the goal is, this is not South Russell, then what mixture of regulations would still give people some rights, but prevent a neighborhood character from being destroyed?"

Tripp, "I think the way you do that is, you have to get signed permission from contiguous neighbors." Ondrey, "In a private subdivision, they could impose that kind of restriction, but I'm not sure we can. I'd have to take a look at that. I'm skeptical. You're putting the decision on a zoning issue in the hands of arbitrary individuals, namely the neighbors. Maybe they like you. Maybe they don't. Maybe they'll give it to you. Maybe they won't. That's not how governmental regulations are supposed to work. You are supposed to have a set of standards & you meet them or you don't meet them. What you are proposing doesn't give you any standards." Tripp, "The standards: can't be over three feet tall, can't be visible from the street. They take that plan, get it formally drawn up by an architect with a survey & take it to the neighbors, get them to sign off on it…" Ondrey, "As soon as you take it to the neighbors, that's where it breaks down. You can set the standards."

Tripp refers to his HOA regs. Ondrey, "As a subdivision, you can create restrictions on all sorts of construction issues within it. That's by private contract. You bought into it. That's different from a governmental body imposing that kind of standard." SR has fence regulations, but no regulations on length.

Brett to Ondrey, Let's look at the option of having contiguous neighbors sign off. Jim (Flaiz) can you take the lead on a mixture of height & or percentages to see if we can reach a middle ground?" Flaiz, "Sure."

Sutliff, "I'd also be interested to know if other communities besides Hunting Valley regulate the length of fences." Flaiz, "Other communities regulate length. The only one we could find that made it in proportion to the lot size with a percentage was Hunting Valley." Sutliff, "Those who regulate length, how do they regulate it?" Flaiz, "It was arbitrary."

OLD BUSINESS: The political sign ordinance that PC developed has been forwarded to Council.

NEW BUSINESS: The next meeting is set for May 14, 2009 at 7:30 P.M. Everyone is available.

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
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PLANNING COMMISSION
JUNE 11, 2009 7:30 P.M.

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

2. MINUTES: 4-7-2009 **amended & approved**

3. AGENDA:

(1). Formal discussion about a lot split with Marilee Marshall, 1100 Bell Road
Tripp, "I move we approve the lot split requested by Marilee Marshall for a house at 1100 Bell Road." DiMichele seconds. Roll call: all ayes. APPROVED

(2). Continue discussion about fences in SR **Brett to Flaiz, "To keep us going on this, could you take a swipe with language for the next meeting?" Flaiz, "Dave (Ondrey) & I will."**

4. OLD BUSINESS:

-Panini's, 540 East Washington St. went before the ZBA. A compromise was struck between 540 E. Washington St. & neighbor at 536 E. Washington St. Brett, "The ZBA requests that PC review the idea of requiring applicants …to have a survey done before going to ZBA. That was one of the items. Where is this property line? Are you sure you know?"
-Milbar, 530 East Washington St. dance studio & preschool going forward & maybe a yoga studio

5. NEW BUSINESS: **NEXT MEETING: JULY 16, 2009 AT 7:30 P.M.**

-SR Village Park, up & running. Council is contemplating reestablishment of a cemetery. Are conditional use variances required? Public Hearing required? Pass legislation to make them permitted uses in their districts? Ondrey, "It would probably have to be a zoning amendment, which you'll still have to have a Public Hearing. I'm not sure which properties would have to be notified for that type of zoning ordinance." Ondrey will think about it.
-Ondrey refers to Markowitz position, "that the Village didn't have to comply with its own zoning requirements…we have the power to change them. The belief that a Public Hearing would be a good healthy thing, I can respect that. All we were saying Matt is you don't have to go through this if you don't want to." Ondrey will check & see what is involved.

6. ADJOURN: **8:30p.m.**

VILLAGE OF SOUTH RUSSELL
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SOUTH RUSSELL, OHIO 44022
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RECORD OF PROCEEDINGS
MINUTES OF THE PLANNING COMMISSION
JUNE 11, 2009
7:30P.M.

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

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

GUESTS:
John Swidrak, AODK. Inc. 55 Public Square #1455, Cleveland, Oh. 44113

Chairman Sutliff called the meeting to order at 7:30 p.m. The minutes from 4-7-2009 were amended& approved.

Formal discussion regarding a lot split for Marilee Marshall, 1100 Bell Road

PC to consider in regard to lot split: Ondrey, "Actually you have very little authority. It's in the subdivision regs. Essentially, you are looking at issues, if it is incompliance with zoning that may affect neighboring properties, safety, traffic control." Foley & Hocevar don't have zoning issues with proposed lot split.

Ms. Marshall was not available for the meeting. Her architect, John Swidrak was here on her behalf.

Purpose of lot split: Swidrak explained: there are 6 acres now, a garage, house, tool shed & cottage. Two years ago Marshall started to explore options of green architecture, efficient homes.

Swidrak, "When we met with her we talked about renovating the cottage to a Leed certified project. We are shooting for a GVI certification. As we looked at the lot, we found she has the acreage to split the lot & build another house. She was excited & wanted to get on board & be a part of the new frontier. She will live in the new house. She is not sure what she will do with the old house. She may sell it."

Leed issues? Swidrak, " Geothermal heating; maybe there will be a horizontal loop under the driveway, so less plowing in winter or running a vertical loop & have less disturbance to the site. With Leed homes, the most important thing is the building envelope. Older homes or newly built homes might do the things required by Leed

but, because of the rating & the system you have to go through, there is a Leed rater & a Leed provider. The government has three people who check the project. The building envelope is the goal. It's to be as tight & sound as possible. Heat loss & heat gain is controlled & minimal. Heating is geothermal. It's called the super heater that ties into the water, will have radiant heat in the floors & not disperse heat through air flow. She will have air conditioning that will work like a conventional system."

Sutliff, "If you go vertical, how many wells?" Swidrak, "It hasn't been determined yet, probably up to three wells. Once we figure out who the builder is, we'll know exactly what their system is."

Swidrak, "It would have its own driveway. Placement of it would be as far east as they can go. As you go further west, it becomes an impossible issue for the user. As you move up east it gets higher & the road flattens out on Bell. You'll be able to see comfortably."

Current work being done on the property: trees were harvested, are being kiln dried, will be used as woodwork in the house

Brett, "Doing a lot split, does it change anything in regard to the number of structures that are on parcel B? Are those grandfathered?" Hocevar, "They meet the square footage for our accessory structures, lot coverage. They are still under it because they have 3 acres. They can go 1,500 square feet." Brett, "Those existing buildings are factored in to the lot split." Hocevar, (?) Ondrey, "You are correct that if you do a lot split, the old lot has to comply with zoning too." Hocevar, "It does."

DiMichele, "Will somebody be living in the cottage?" Swidrak, "She's used it in the past as temporary stay for a missionary family from her church. Our last conversation, she'd like to do a business rental for a week rental or for people who come to stay for short periods of time." Brett, "That's not for this board to decide, but that's not a permitted use to rent it out for business." Hocevar agrees. Brett, "To have guests come & stay, that's ok."

Sutliff, "On the new lot there are two buildings. I assume the big one is the house. What is the other structure?" Swidrak, "It's a garage & attached to the garage is a guest suite. It is detached from the house although it is connected with a roof. You have a breezeway. It has two guest rooms, a bathroom & a small kitchenette; just a counter & a living room. The main house has one large master suite in it & some room in the lower level." Brett, "Does that change anything for what is considered for a lot split? Is that two dwellings." Hocevar, "No they are connected. " Ondrey, "The lot spit could happen & the house could be totally different as long as it eventually meets zoning & ABR."

Tripp, "I move we approve the lot split requested by Marilee Marshall for a house at 1100 Bell Road." DiMichele seconds. Roll call: all ayes. APPROVED

Continue discussion about fences in SR

-handout from Jim Flaiz: regs. for fences in Hunting Valley, Moreland Hills, Kirtland Hills, Pepper Pike, Waite Hill

Tripp to Ondrey, "At the last meeting we talked about having the contiguous neighbors approve fences." Ondrey, "To my surprise, that type of plan has been approved in a court decision in Ohio; requiring the neighbors, having their approval to some sort of proposed use."

Tripp, "How many people have complained about fences?" Flaiz, "This came up in the Building Committee with Jack Binder, Dave (Hocevar) & me. Three went up in a short period of time. There were objections from neighbors with all three of those: Maple Hill, Belmeadow, Manor Brook." Hocevar, "Two down there, so there were five. We had complaints on all 5. I'd say 75% of the fence permits we issued, neighbors complained about. They have to do with the 6' board on board fences, with no limitations on them." Brett, "Is it fair to say 5-10 complaints per fence?" Hocevar, "Yes." Flaiz, "Those are just the ones that came for variances because of the three feet. There were other ones that went up that didn't need variances. The neighbor behind me & over one, I can't see their next door neighbor. They complain to me all the time. They fenced in about ¼ acre of their lot with a chain link fence."

Tripp alludes to his development, Bramble Farms. Prior to signing the deal, he had a copy of the subdivision regs & knew what was required to have a fence or pool. Tripp, "It wasn't a shock to me. I think it would be a shock for people who move into SR if they found out, yes the contiguous neighbors have to approve it. What's the middle ground?" Tripp refers to handout from 4-7-09: "We've got 22 areas & 14 permit fences. If we make something that's really restrictive, then you are going against the subdivision regs that permit the fence."

Brett, "More people would be shocked that their neighbor has ability to put up that much of a fence vs. I didn't know I couldn't put up that fence. Jim & Dave counted approximately 5 incidents over the last two years. But each time this comes up, the Village has heard from 5-10 residents per incident. You're talking about 25 to 50 people that we heard from with displeasure in regard to how much their neighbor has fenced."

DiMichele, "If they are complaining that they put a fence around their whole yard, are they going to be happy if it's half way back in the yard? The next person goes ¾ of the way back. The next person goes ¼ of the way back. I don't think the complaints will go away." Brett, "You may not alleviate all of the complaints, but you would have something that would lessen their displeasure."

Flaiz, "I see zoning as a way to protect neighbors, preserve the character of the Village that still affords people their property rights in a reasonable manner. Having some reasonable restrictions on fences, could accomplish those things. What you said last time, this isn't SR fencing in a 2 acre lot, I think that's exactly right. The character of our

Village is such that, we don't live in Willoughby where everybody is on 100'X100' lot & they are fenced in."

Flaiz, "I appreciate that the subdivisions have protection because people recognize that they don't like to see a neighbor fenced in. Unfortunately, other areas don't have those protections. I think we should."

Sutliff, "What is the right formula?" Hocevar refers to handout: "Four out of five are required to go to PC or ABR for approval. That may be something to consider depending on the fence & how long it is. It goes to PC." Sutliff, "What criteria does the PC use?" Flaiz, "Hunting Valley is the only one who has a perimeter restriction with a percentage of the lot size. The Building Committee thought that was fair to people depending on their lot sizes. I was surprised by how many have PC or ABR approve the fences & materials used."

Ondrey refers to Kirtland Hills: 'Must be approved by PC'. Standards? Flaiz, "None of the PC ones had standards. They did have standards for ABR. They were materials or colors. Kirtland Hills, Pepper Pike & Waite Hill, it was for all fences. For Hunting Valley, it was for certain types of fences: security fences, entry way fences."

SR: fence has to be three feet off the property line, chain link fences are permitted. DiMichele, "How do we know where the property line is?" Hocevar, "By the plats that they bring in to sign. If it's too close like the western section, I have them survey the property. We've gotten site plans & they draw it 3' from the property line. We go out & measure when it's up." DiMichele, "There is no advantage to require them to survey the property ahead of time?" Hocevar, "I don't think so." Flaiz, "Maybe one or two places require a survey. Most require a plat." DiMichele, "I thought having the cost of the survey might deter people from willy nilly putting up a fence." Ondrey, "It might not be a good thing. It depends on your view."

Brett, "It's a different topic that I was going to raise under new business. There's an idea that we should add to our process, that if you are going to build close to the property line or you are going to put up a fence - before you come to zoning board (ZBA) - you have to have your property surveyed. That came out of the ZBA meeting." Hocevar, "If there is a question where the property line was, we would require a survey. Almost 100% of the people we deal with get their property surveyed lately because of law suites. We've had fences moved, sheds moved because the neighbor had the property surveyed & found out his neighbor's shed is on his property."

Flaiz, "I don't know how you know where the property line is. Even if you have a plat, you may not know where those pins are." DiMichele, "But it's not a requirement to build a fence, you have to have a survey." Hocevar, "The majority of them do. They come & use or medal detectors, find the pins …" Brett, "But it's currently not a requirement." Hocevar, "Not a requirement, no."

DiMichele, "What about invisible dog fences? Are they considered a fence?" Hocevar, "Not in my opinion. There is nothing above ground." Foley, "It's not deemed a structure of any type." DiMichele, "So we don't want to make regulations, that it should be three feet from the property line."

Brett, "We've had instances, where really long fences along the property line affect the neighbor not putting up the fence. It really does detract from their property. That isn't right. The other side of the argument is, we don't want to limit or take away all the rights of the property owner to construct some fencing around their property. I would like to know what the appropriate percentage is; a formula."

Sutliff, "Are the complaints because a fence went up or because it's a huge fence? If we pick 20%, would that stop the complaints?" Flaiz, "Pepper Pike prohibits stockade or board on board fences. That would probably cut down a lot of the complaints. The chain link & the board on board just look bad." Hocevar, "It's all the board on board & chain link fence. No complaints on the split rail."

Brett to Tripp, "I thought last time you offered up the idea, could we have the contiguous neighbors be a part of this process & maybe that's part of the solution?" Tripp, "Yes I did offer that up because that's what we've got in Bramble Farms. Since then I've thought about it. When people move into a subdivision they get the regs & they know in advance to signing the deal, what they are going into. If you move into SR & there are no subdivision regs, you won't know that. If you want to put a fence around your tennis court & your neighbor says no, it's a problem. It's bridging personal freedoms. There has to be a middle ground. 11 of 22 subdivisions permit fences. The other 3 permits fences as long as the association approves. 14 of 22 approve them. There is a methodology by which they do it. Maybe that is the key. We have to have a methodology by which the fence is approved, maybe ABR because they look at the appearance of the house. Criteria can be set forth for the ABR: that there is a public hearing, the public can air their issues about the fence. It's approved or it's modified."

Ondrey, "I don't think the ABR holds a public hearing of any kind. It might be advertised as a meeting. That doesn't mean you couldn't set up a procedure specifically for a fence. Neighbors have to be notified of an ABR meeting. I don't think ABR has design standards in place. Even if they did, it doesn't address the issue of length & height."

Problems identified: a combination of a high fence that goes all the way down the property & certain materials.

Ashleigh property: has a split rail fence with wire mesh on inside to contain pets; no complaints about it. If it were a 6' board on board fence, assumption is there would be complaints

Brett doesn't want to make assumption that if a development allows fences that homeowners can put up whatever they want. Tripp, "We don't know what they have to do to get the fence. I can only speak to Bramble Farms. If you have a pool, you are allowed a chain link fence 5' high around the pool X amount area. Everything else neighbors approve it. Chagrin Lakes, they give you the book before you close the deal, no fences."

Flaiz, "When I bought my house, I didn't know I couldn't put up a 500 square foot accessory structure. I don't live in a subdivision that has regulations. There are a bunch of regulations that people don't know about until it comes up. I think there is a mix

that we can do: still let people have fences, still let them have their property rights, protect neighbors, protect the character of the Village."

Ondrey, "It seems like it's the privacy & chain link fences that are controversial. What if we created a regulation that requires approval of those by the PC & we set out standards such as the size relative to the lot? Without specifying, that is a standard that we are allowed to consider. We are allowed to consider: objections of neighbors, the applicants professed need for the privacy fence. If communities are getting away with nothing, if we gave it that kind of broad brush stroke & gave ourselves the ability to say we've looked at your lot & you are way overboard here. We could set up a system. Some might get permitted. Some might not. With a privacy fence, we could make a requirement that the neighbors are notified."

Flaiz, "I think that's a great idea if a fence exceeds a certain percentage of the perimeter, then they come before PC. I like the restriction that chain link fences are only for tennis courts, pools, pet runs. I'd be in favor, for the most part, of prohibiting the chain link fences."

Brett to Flaiz, "To keep us going on this, could you take a swipe with language for the next meeting?" Flaiz, "Dave (Ondrey) & I will."

Old Business:

Panini's, 540 East Washington St. proposal went before ZBA: a compromise was struck between Mr. McCrone & neighbor, Dr. Panhuis, 536 East Washington St. The building will be three feet from the property line.

Brett reported: the ZBA requests that PC review the idea of requiring applicants that have a request like that to have a survey done before going to the ZBA. "That was one of the items. Where is this property line? Are you sure you know?" Ondrey, "One of the conditions of the variance is that they (the applicant) have to get it surveyed. I understand what the thrust of the request is, but there is an easier way to solve it." Brett, "The issue from the zoning board was they were debating, where is the property line? They'd like to know that what they are making their decision on, that that is the property line. I think that does happen with ZBA. Where the exact property line on the drawing is a question. "

Hocevar, "You know what happens is, they get an engineer's site plan & that was what was submitted for that restaurant. Then a builder comes in & overlays this thing & distorts the side yards & rear yards & starts marking it up. People think this is it. Well, it's not. We do have an engineered site plan for that property & it was surveyed. It's different from what he is proposing."

Flaiz went to the ZBA meeting for Panini's. The Chagrin Valley Times misquoted Flaiz as saying PC approved the variance. He thought he made it clear that the variance was ZBA's issue & PC approved the concept.

Milbar, 530 East Washington: dance studio & preschool are going forward & maybe a yoga studio will go there

New Business:

Brett: SR Village Park is up & running & Council is contemplating the reestablishment of the SR cemetery. Council has designated property on Chillicothe Rd. for the cemetery & is going through a planning exercise for that.

Brett, "The right thing for the Village to do is come to PC & formally ask for a conditional use variance for those properties; for a park & for a cemetery. Our solicitor indicated it isn't something we have to do. But, I think the right thing to do is for us to do it. I'd like PC to review that at our next meeting & have somebody from the park & cemetery committees present this."

Ondrey, "There will have to be a Public Hearing on it. It says, after we get an application, which will come from the Building Department, the commission will schedule a Public Hearing within 60 days thereafter. Notice given in at least one newspaper, mailed to applicant & property owners contiguous to & across the street from the lot involved at least 20 days before the hearing."

Brett, "The park has been approved, but we should go through this process." Questions about existing easement & who needs to be notified.

Issue if park doesn't come & cemetery does attend? Ondrey, "Somebody could argue that you are being inconsistent. Given the fact that we have already established the park, we can distinguish the two different situations. The other thing we could do is pass legislation simply making them a permitted use in their respective districts." Sutliff, "That would be the easy out." **Ondrey, "It would probably have to be a zoning amendment, which you'll still have to have a Public Hearing. I'm not sure which properties would have to be notified for that type of zoning ordinance." Ondrey will think about it. Brett, "We'll wait one more meeting then." (park & cemetery committee will not present at next meeting)**

Sutliff, "I think for a cemetery, while I'm totally in favor of one, I think there should be a Public Hearing." Ondrey, "Dale (Markowitz) has taken the position, advised the Village & we've stayed with it that the Village didn't have to comply with its own zoning requirements because we have the power to change them at any time was the rationale. The belief that a Public Hearing would be a good healthy thing, I can respect that. All we were saying Matt was you don't have to go through this if you don't want to." **Ondrey will check & see what is involved.**

Flaiz agrees with Sutliff to have a Public Hearing about the cemetery.

The next meeting is set for July 16, 2009 at 7:30 P.M.

There was no further business. The meeting adjourned at 8:30P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

VILLAGE OF SOUTH RUSSELL
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PLANNING COMMISSION
AUGUST 13, 2009
7:30 P.M.

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

2. MINUTES: 6-11-2009 **approved as presented**

3. AGENDA:
(1). Development review: formal discussion with Robin Peavy who hopes to open a yoga studio/retail at 524 East Washington St. It is to be called Yoga Root.
Brett, "I make a motion to approve the application for the yoga studio, Yoga Root, for 524 East Washington Street for units E & F for the use of the yoga studio & related retail." DiMichele second. Roll call: all ayes. APPROVED

(2). Development review: formal discussion with Amy Ryan who hopes to open Camp Bow Wow, a dog hotel & day care at 530 East Washington St. Inside: 7,000 square feet & 1,500 square feet enclosed outside. **NO ACTION Ondrey will determine if a kennel is a permitted use.**

(3). Informal discussion with Matt Brett regarding a cemetery for SR. **Brett, "I withdraw the application for the cemetery use for the Village."**

(4). Cont. to discuss fences; discuss two different ordinances prepared by David Ondrey & Jim Flaiz. **Flaiz, "I move that we schedule a public hearing on the fence issue." Tripp, second. Roll call: all ayes. APPROVED**

4. OLD BUSINESS: **None**
5. NEW BUSINESS: **NEXT MEETING: SEPTEMBER 10, 2009 AT7:30P.M. Public Hearing, topic: fences in rear yards to be considered: ORDINANCE AMENDING SECTION 4.01 (B)(4) "FENCES" IN ORDER TO REGULATE STOCKADE & OTHER PRIVACY FENCES IN REAR YARDS & TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS; WITH LANGUAGE DRAFTED BY OUR SOLICITOR, WHICH DOES NOT INCLUDE PERCENTAGES.**

Hocevar, Handout: parcel # 29-066100, 5277 Chillicothe Rd. assisted-living property. The property is up for sale. There is talk about a lot split; 11 acres on one lot & 4.8 on another lot. It'll be coming to PC.
6. ADJOURN: **9:00p.m.**

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RECORD OF PROCEEDINGS
AUGUST 13, 2009
7:30 P.M.

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

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

GUESTS:
Amy Ryan, 7755 Brayton Trail, CF 44023
Robin Peavy, 10 Deerfield Dr. CF 44022

Chairman Sutliff called the meeting to order at 7:30 p.m. The minutes from 6-11-2009 were approved as presented.

Development Review: formal discussion with Robin Peavy who hopes to open a yoga studio/retail at 524 East Washington St. It is to be called Yoga Root.

Robin Peavy, "We'd like to have two yoga studios & a retail space that sells athletic apparel & environmentally friendly giftware."

Peavy presented plans for PC to review. Hocevar hasn't seen plans. Peavy, "Laura stamped them & sent them out to CT." There is a sign up. Peavy, "I got approval for that." Peavy, "We are taking 1½ spaces next to the preschool. Ondrey, "It is one application with two uses." Hocevar, "Both are permitted uses."

Peavy explained lay out: entrance, then there will be retail, reception desk, a fitting room, an office, maybe an area for massages -not decided yet, kitchenette, a large studio, a small studio, 2 handicapped full bathrooms with showers.

# of employees: Peavy, "In a yoga studio, (some?) are called karma yogies. These are people who are trained to do yoga & not necessarily a teacher at our studio. But, we trade a 5 hour shift for free yoga for the week. Really one employee on the payroll & then myself & my partner, Darcy Providentee will be working there."

Timeline: Peavy, "Dave Jezek, owner of the building & he will do the build out, said it would take 30 days. We're hoping to open in October." Brett to Hocevar, "If PC were to approve it, then what is the next step?" Hocevar, "CT is in the process of looking at those plans for commercial building codes. Then we issue a zoning permit."

Peavy, "They told me that they were hoping to get it done by early next week. I talked to Bill Gallagher's secretary." (CT)

Review Standards (e) Pp. 17 of zoning code: Ondrey summarized: '1.That the proposed development is harmonious with the Subdivision Regulations, if applicable, of the Village of SR.' That doesn't apply here. '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' & those sort of things. Lastly, it's about whether or not there is adequate water. That's not an issue here either."

Ondrey, "If it is permitted by zoning & you can't find something wrong with traffic circulation or whatever, it's pretty much a done deal." Peavy, "There's plenty of parking in the front there."

Hours of operation: Peavy, "Some mornings, we would offer an early morning class; 6:30 a.m. Our latest class would be 6:45 p.m. – 8:00 p.m. maybe two days a week. On the weekends, we'd be open. But, the weekends would be partial hours."

Tripp, "No boom boxes & loud music." Peavy, "No. Each room will have an I-Pod jack with a sound system. We play music for the class, but it's very calming." They do power yoga. Peavy, "We have an additional heating unit, so the rooms can be heated up to 95 degrees. You sweat out the bad stuff."

Brett, "I make a motion to approve the application for the yoga studio, Yoga Root, for 524 East Washington Street for units E & F for the use of the yoga studio & related retail." DiMichele second. Roll call: all ayes. APPROVED

Development Review: formal discussion with Amy Ryan who hopes to open Camp Bow Wow, a dog hotel & day care center at 530 East Washington Street. Inside: 7,000 square feet. Enclosed outside: 1,500 square feet.

Ryan, "I am proposing to open a Camp Bow Wow. It is a franchise. There are currently 100 opened across the U.S. plus one in Canada. In the Cleveland market, there is one opened in Strongsville, Westlake, Cuyahoga Falls & Bedford Heights. I've bought the territory rights from Chagrin up to the water. I do intend to open more than just one of these."

Handout: Ryan, "The back site, labeled A, is 7,000 square feet inside. Then 1,500 square feet of enclosed play area, outside. Issues: noise, smell, waste.

Noise: Unlike other kennels, the Camp Bow Wow model is we have all day play from 7:00a.m. to 7:00 p.m. except during lunch time when they are in their cages to eat. That helps them to mingle with the other dogs. Plus there is a human with them at all times. The (?) ratio is 1 in 40 for every 15 dogs. During the day, the dogs are in the indoor area & they have the ability to go freely to the outdoor area. The majority of the

time, they are in the indoor area. Enabling them to get out & play, you eliminate a lot of stress that dogs experience when they go to (?). So, the amount of barking is minimal compared to other opportunities like this. We can also put in some sound barriers. What I plan to do, is the outdoor fencing will have slats so they can't see outside the fence. That'll eliminate a lot of the noise.

Waste: There is a web cam at all times. You drop your dog off on your way to work. You'll be able to sit & watch your dog play all day from your computer. The last thing I want is for you to see poop everywhere. Poop & pee is immediately cleaned up. It's put in a bag in a steel container. It is emptied 2 times a day. On average, a camp generates about one trash bag of feces every day. That's put into a dumpster.

Smell: The chemical solutions used are from Spartan. They are the same ones used in hospitals, in child care. They have a minimal effect on the environment & they break down odor caused by the urine. In terms of odor, I will be installing in this building a new H&AC system because I want the air to circulate every hour so there will be no smell in this camp.

I think in terms of the noise & the odor, I think it's not going to be an issue. I choose that site because the outdoor space is going to be in the very back of the building where there is absolutely nothing except parking lot.

This is a franchise operation; 100 units across the U.S. Unlike the Barkley, where you drop your dog off & it's caged until you come back & the price is doubled what they said when you come back, this is an every day low price, what is quoted when you drop off the dog is the price.

Specifics: open from 7:00 a.m. to 7:00 p.m. Employees: Ryan & one employee at a minimum for every 15 dogs. There will be about 50 dogs overnight & we'll have the capacity of about 100 dogs during the day. At peak, I could have 6 employees at the holiday season. I am expecting that I won't be at capacity for the first couple years, except during the holiday season."

Brett, "Did you say 50 overnight & 100 during the day?" Ryan, "100 in total." Brett, "The ratio of employees to dogs is 1 in 15." Correct. Ryan, "I'll have three separate dog runs. I expect full capacity over Christmas. So I have 100 dogs & 3 runs, I'll have 33 dogs in each run, which means I have to have at a minimum 2 if not 3 people in each of those dog runs. Overnight, there is zero employees. That's because of the security system I will have installed plus the alarm, plus the web cams. People at corporate will be monitoring 24 hours a day. Corporate does a check on it at all times."

Tripp refers to the packet of info. distributed by Ryan. Pages labeled: "Camp exterior play area with vinyl fencing" & "Camp interior play areas & cabins". It's an open space now. Ryan can make accommodations to meet her needs. Her unit is in the back. The entrance is in the back side of the building. In front of her unit is the dance studio. In a separate building is the child care. Tripp, "It's the original Milbar building." Ryan, "My neighbor is the CV Veterinary Clinic. The parking lot is where we'll put the outdoor dog runs. We'll probably need 4 or 5 parking spaces for employees & there are more parking spaces back there."

Sutliff to Hocevar, "Is this a permitted use in that area?" Hocevar, "It's not a prohibited use. It's not addressed in this book (zoning code) where you can or you can't. Kennels are regulated but in residential areas. It doesn't specify, in any of our areas, uses of a kennel. It doesn't say if you can or can't." Hocevar to Ondrey, "That's going to be your call."

Ryan, "I think the nice thing about this space is that it isn't residential surrounding it. You have to go across East Washington to get to it."

Hocevar, "You can put a factory there. What is a more restricted use? A dog kennel or a factory?"

Brett, "What are we considering with this application? Use? Outdoor use? The fence? The fence material?" Hocevar, "You consider it all." Ryan, "The fence is 1,500 square feet. The height of the fence is 7' plus one." Hocevar, "The fence is restricted to 6'. That'll be a call by ZBA if you pursue that." Brett, "Side yard setback?" Hocevar, "It all complies."

Ondrey, "I think we do have to wrestle with whether this is a permitted use. Look at the Business Districts. They permit: offices, retail, personal services. I don't know if this is going to fit into any of those. We have a definition for personal services. (p.11 of the zoning code) Services such as: beauty & barber shops & interior decorating, laundries, laundromats, tailoring, pressing & dry cleaning in which only non-explosive & nonflammables are used. Repair services such as: shoe, hat, radio, television & household appliance for consumer oriented products."

Flaiz, "Is that inclusive?" DiMichele, "No. It says 'such as'." Ondrey, "It does say repair services such as. Flaiz, "It's giving such as for personal services. It's still restricting it." DiMichele, "What's the difference between dropping off kids for the day & dropping off dogs for the day?"

Ondrey, "We also define retail. (p.12 of the zoning code) That is the sale of: baked goods, groceries, meats, fruits, dairy products, vegetables or serving & consumption of food & beverages. Or retail sale of drugs, books, gifts, antiques, art goods, flowers etc. (p.13) Retail sale of wearing apparel, shoes, sporting & athletic goods. Retail sale of hardware, tools, paint, garden supplies, household appliances & pets." Brett, "It sounds like the closest thing is personal service. That's one item we have to wrestle with."

Brett, "Currently in the village, we have the SR Veterinary Clinic across the street. (5210-C Chillicothe Rd.) That went in maybe 7 years ago. That's next door to retail establishments. (to Hocevar) In regard to that business, have we had any issues regarding noise, cleaning up waste?" Hocevar, "No complaints."

Brett to Ryan, "You mentioned Dr. Panhuis. (Chagrin Valley Veterinary Clinic, 536 E. Washington St.) Have you talked to Dr. Panhuis?" Ryan, "He's my Vet." Brett, "How does this fit in with what he does?" Ryan, "I would like to contract with him. If I run into an emergency, he's right next door. Also, any dog that comes into camp, has to have 3 up to date shots. They need to have the Bortella, which is a canine

kennel cough. They need to have rabies & they need to have all of their vaccines. They have to be fixed if they are over 6 months of age. If a dog is behind on its rabies shots, it can't be dropped off. It would be great to say take it next door, get the rabies shot & come back. So, I'd like to partner with him."

Brett, "Would you view this as competition with what he does?" Ryan, "Absolutely not. I understand the only dogs he keeps overnight are dogs that are sick. I won't take a sick dog. My closest competition is the two closest camps in Bedford Heights & Cuyahoga Falls, plus the Barkley." Sutliff, "It's a kennel plus day care." Ryan agrees.

People will drop off the dogs & pick them up. Ryan, "Once I'm established, I want to get an approved van to pick them up & drop them off."

Brett, "This is kind of an odd business. You've got places like the Barkley. That was built as a dog kennel & marketed as a hotel & spa."

Tripp refers to the first page of the handout, 'Google maps'. Tripp, "A couple of things I like is that the dance studio is in the front. It's (Bow Wow Camp) in the back of the building. Look at the trees. They are to the right. You've got Ted Panhuis. He's a Vet so barking dogs are not going to bother him. You've got a parking lot & then Panini's that some day will go in. (540 E. Washington St.) They've got a noise control fence because they are going to have the outdoor patio. It's a pretty good distance. There's a tree barrier there, a parking lot to the outside & you've got all industry all the way down to the ball field at St. Joan's. (496 E. Washington St.) You've got a lot of space. You're not going to have any trucks pulling in & out. If the central franchisor is watching you (Ryan), the franchisee on a mini-cam, that's a pretty big (?)"

Sutliff, "Do you charge on a per diem basis?" Ryan, "My initial price will probably be $25.00 for a dog for the day & $35.00 for a dog overnight. If you have multiple dogs, there will be a discount. I'll also bathe & dry a dog for $25.00 on site. No grooming."

DiMichele, "It's so secluded. It seems to be the perfect location for it." Flaiz, "I have a different take on it. These seem to be in rural areas. The Barkley backs up onto 422 & is in an industrial park. There's a preschool right there. There's a restaurant right there. The patio for the restaurant at the Gallery is there. (516 E. Washington St.) You're going to have open air areas for a lot of dogs. I appreciate that that used to be an industrial area. We have a lot of other business uses going on there. When you look at, is it harmonious to the surrounding properties & business owners, putting in a fairly large dog kennel operation, does not seem to meet the criteria in my opinion."

Brett, "The larger buildings to the west, those are the older ones & in pretty rough shape. Under a previous plan, those were going to be removed. One of my concerns is if that (the kennel) faces them, anything retail based or professional office space, what could the potential sound issues be? There is no way those buildings could be used, as they sit today, for anything except storage or manufacturing." Ryan, "The other person bidding on this site was going to use it for furniture storage."

Brett, "I don't know how to apply that existing building there. The question about the folks around the space we are considering, it almost feels like we take that building out of play because it's probably not going to be there. Something else would go there." Tripp, "That could be a pretty big leap of faith. Given the great recession, I think it's changed the view of many commercial developments. If that building is in rough shape, I think a better bet is, it's going to get torn down. Nothing's going to get built there for awhile."

Ryan hasn't talked with the preschool. Flaiz, "The drop off area for the dogs is that going to be enclosed?" Ryan, "They'll pull into the parking lot that is bordered by the other building back there." Flaiz, "If a dog got away, I'm not looking at just the adjacent building, I'm looking at the whole. I hear dogs barking from pretty far distances in my neighborhood. Certainly, you'd hear it if you were trying to dine outside; 100' away, outdoors, dogs being dropped off & picked up." Sutliff, "When do you see these dogs outside? Just during the day?" Ryan, "Just during the day; never past 7:00 p.m. & never before 7:00 in the morning. The whole concept is the dogs can come in & go outside. You are not going to have 100 dogs outside at one time. I guess, you'd probably have 20% of the dogs outside. Think about dogs, they don't want to be in the heat. They don't want to be in the cold during the snow. What they like is cold cement. That's where they want to be."

DiMichele, "The outside runs walls are covered, so they can't see the surroundings outside." Ryan, "Absolutely. " DiMichele, "If a car went by or somebody walked by, they aren't going to see that person & start barking." Ryan, "Absolutely. You want to minimize their ability to see things because that's what they bark at. Human beings are going to be in that cage too. And they won't be able to see from one dog run to the other."

Brett, "All things considered, it's a different idea. I'm not necessarily opposed to it, but I have a few concerns. One would be the noise. There is an outdoor section to this during the day & up till 7: 00 p.m. You are not that far away from a restaurant going to the east. It feels like the existing building would block a lot of the noise that would be going to the west or the other direction."

Tripp, "You've got the Panhuis building, the trees & Panini's. We permitted them to have a fence that will be there too. To me, you are taking an industrial site & changing it from an industrial site into a dog kennel."

Ryan intends to sign a lease next week. The landlord accepted her letter of intent & she accepted his revisions. Flaiz to Ondrey, "Is it proper for us to consider this until it's determined whether it's a permitted use?" Ondrey, "I have serious concerns that it is not a permitted use. This is the first I've seen it. It deserves more attention. Looking on the surface of it, I don't know how we justify it as any of the permitted uses." Sutliff, "I don't think we should go any further until it's decided."

DiMichele, "If it's not a permitted use, can she go to ZBA?" Ondrey, "Yes she'd have to get a variance. It's going to be tough to get a variance because of the test for a use variance. Amy would have to show that there is no other of the permitted uses that are viable for that site. That's going to be a high standard to meet. The other solution is that PC & Council can rezone to permit this kind of use. But, based on my little bit of knowledge here tonight & a quick look at the zoning, I'm very skeptical this is a permitted use."

Tripp, "At the last meeting, Mayor Brett asked Mr. Ondrey to bring forward some ideas & potential ordinances on the fence issue. I think it's proper that we the members of the PC make the same request. And at this point we would ask Amy to defer signing a lease until that is brought forward." Ondrey, "Amy you have the right to challenge it. I think we have to at least study the issue."

Ryan, "This is the first time I've done something like this. What's the next step you take?" Ondrey, "I'm going to take a look at it & advise them whether I think it's a permitted use or not. If it is not, your zoning application would be denied without any further discussion of the PC. You have a right to appeal that to the ZBA to ask for a variance from the current zoning. That would take at least 30 days to set up. Best scenario, you're looking at a 30 to 60 day delay. There's a legal standard that you'd have to meet in order to get a variance. It's called unnecessary hardship. It's complicated, but you do have the right to at least try if you want."

Brett, "If a variance is granted, then it would come back to PC." Ondrey, "I suppose so just to make sure there are no layout issues. The use question would be behind us. Then it would be a question of whether it's properly laid out. If the zoning board grants a variance, you are going to be hard pressed to say it is not harmonious because that will be one of the standards they will be looking at. I'll get back to David (Hocevar) by early next week; Monday or Tuesday."

Sutliff to Ondrey, "If you determine it's a permitted use, is it a done deal?" Ondrey, "No. She'd come back & you guys still have to give it developmental approval. I'm going to give advice to our zoning inspector. He usually relies on it, but he doesn't have to. Ultimately, David's (Hocevar) going to make the decision."

NO ACTION. Ondrey will determine if a kennel is a permitted use.

Informal discussion with Matt Brett regarding a cemetery for SR

Brett, "Last time we talked about the cemetery iniative might be coming before PC. After talking with the solicitor, the Village will withdraw the application & revisit what is the best course to go. Should it go to Council or to PC? **I withdraw the application for the cemetery use for the Village."**

Continue to discuss fences; discuss two different ordinances prepared by David Ondrey & Jim Flaiz.

Two ordinances were sent to the PC. Pps. 2 & 3 is an ordinance prepared by Ondrey. Pps. 3 & 4 is an ordinance prepared by Flaiz. They both have the same title: **'ORDINANCE AMENDING SECTION 4.01(B)(4) "FENCES" IN ORDER TO REGULATE STOCKADE & OTHER PRIVACY FENCES IN REAR YARDS & TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS.'**

Ondrey, "You'll notice a difference in the last paragraph. (p.2, Section 1 & p. 4, Section 1) The one I did applied to any fence that would be greater then three feet in height. Jim had a different take on it. Jim's ordinance expands the situations where an individual would have to get PC approval. Both of them require PC approval. Both require that the neighbor's would be notified for a hearing on that type of proposal."

Sutliff, "Doesn't the first ordinance (Ondrey's) say, in the rear yard they are not permitted? Period." Ondrey, "No. All it says is, if you want to have a privacy type fence - a stockade fence - greater than three feet in height, they are not permitted behind the residence or any where else in their rear yard without PC approval." Sutliff, "In Jim's it says they are permitted up to 40% of the perimeter." Flaiz, "No. Mine is more restrictive."

Tripp, "It's (Flaiz') more restrictive because it goes to the issue of coverage of the perimeter of the backyard. It goes to the distinction of open & unobstructed space when viewed at 90 degrees from the fence line. The only similarity is that it shall require 'PC approval after a public hearing in accordance with the requirements set forth below'. Both have the same thing: there shall be a public hearing…"

Sutliff, "If you want to put a stockade fence up in the backyard, you've got to come before PC." Ondrey, "Under both proposals. Jim has expanded that. Even if it is not a stockade fence, any kind of fence that is either going to enclose more then 40% of the perimeter of the backyard…" Sutliff, "What if you enclose 30% of the backyard, then you don't have to come before PC?" Flaiz, "If it were a split rail fence that enclosed 39% of the back yard…"

Tripp, "If I want a fence greater than 3 feet in height, then I have to come to PC." Ondrey, "No, only if it is a stockade or other privacy type fence greater then three feet will you need, under either one of them, will you need to come to PC. Stockade fence: board on board, the type that prevents people from seeing through it."

Sutliff, "I look at my house & this goes back 15-20 years, the neighbor & I split the cost & we put up a stockade fence. It's 15' long & 5' high. His headlights, when he rounds the corner of his driveway, they shine in my porch. That would not be permitted." Ondrey, "Unless you get PC approval. The point is someone could explain, I need a fence higher then 3'because otherwise my neighbor's headlights are coming right into my family room. There may be reasons why they want it."

Fences permitted in front yard: Hocevar, "Fences other than split rail, that are less than three feet in height are permitted in the front yard." Current height permitted in backyards: 6'.

Ondrey, "I think what happened was there was a flurry of 2 or 3 families who put up big stockade fences in their backyards. It upset some neighbors. We had some public comments at some of the meetings. People didn't like the notion. That started this conversation. Do we want to regulate what people can do in their backyards if they use stockade fences? This is my attempt to address the problem. It is basically fences taller than 3'. That's when you cut off the views from yard to yard, anything more than 3'. Jim wanted to make it broader even if they aren't privacy fences."

Flaiz, "We spent a lot of time talking about percentage of enclosure. There are issues with split rails & other types. I talked to Dave about, what about the lot percentage? What about the unobstructed view percentage? Those were things we kicked around & so I threw those in."

Both are presented tonight for PC to discuss. Tripp, "I read them. The way I view it is that these regulations as written will be used to supersede our subdivision ordinances. There are 14 of 22 subdivisions in SR that permit fences & have regulations specifically to address how that shall be done. I do not believe that this is the purview of the PC or city council to write up regulations that are going to make our subdivision regulations obsolete." Ondrey, "I disagree. We're not going to make them obsolete. A subdivision might have more restrictive provisions than this. They will prevail for those homeowners in that subdivision. But, if your subdivision said you could have a 6' high fence, you're right. If you adopt these regulations, it wouldn't be allowed anymore."

Flaiz, "Our entire zoning code supersedes every subdivision's regulations. That's the nature of zoning. It would be the same thing. Subdivisions can still make more restrictive regulations." Tripp, "It doesn't say that. Any (?) regulation that is drawn up says the state can make a reg but it has to be stricter than our reg. Read the Code of Federal Regulations. I am simply saying, these will make our subdivision regulations obsolete."

Flaiz, "I see it another way. I see Belmeadow, Bellwood, places that don't have subdivision regulations, this is providing protection for those property owners. Subdivisions that have more restrictive regulations - like Chagrin Lakes that doesn't allow any fences or any sheds - they can still do that. This doesn't affect that. It provides protection for those neighborhoods that don't have subdivision regulations."

Hocevar, "I'll give you a good example: Fairview. Someone just put up a board on board fence across the backyard. A lot of people complained. You go down there & make a right hand turn on that road, look at that fence. It's staring at you because there is a unique situation. That house is facing Fairview, but their front yard is Bell. It's the shortest distance on the lot. They've got it all the way down one side of the house."

Hocevar, "We don't allow stockade fences in South Russell now. There has to be 25% air & light." Ondrey thought there was a stockade fence on Bell. That went to ZBA for approval & there is one on Forest. It also received ZBA approval.

Sutliff, "At the very minimum, it should be reworded & take out the words, no stockade fences because you're telling us they are not permitted." Hocevar, "The definition says each fence has to have 25% air & light which is board on board, shadowbox." Ondrey, "That's why I used the phrase 'or similar privacy fencing'."

Brett refers to Flaiz' ordinance. "If we apply the 40% for the backyard; if a standard lot is 1 acre & they have 200 feet from the house to the back line, 200 feet across & 200 feet back up, that's 600 feet. 40% of that is 240 feet of fence." Sutliff, "That's too restrictive. Take a neighbor who wants to put up a stockade fence, 15' to separate their screened porches. Under your (Ondrey) scenario, you'd have to go to PC." Ondrey, "Yes if it's more than 3' tall." Sutliff, "Under your (Flaiz) scenario, as long as it's less than 40%..." Brett, "No. It would be over 3' & 40%." Flaiz, "Under Dave's, if it's over 3'you come in front of PC. Under mine, there three ways you come in front of PC: (1). it's more than 3' (2). it's enclosing more than 40% (3). or it is less than 65% open & unobstructed."

Ondrey, "Under Jim's scenario, somebody could come in with a 3' tall fence. If they wanted to cover more than 40% of that perimeter, they'd have to get PC permission. Under mine, if they have a 3' tall fence, they wouldn't have to come to PC no matter how much of that they wanted to build." Sutliff, "Realistically, who is going to throw up a 3' stockade fence?" Flaiz, "It's so offensive to fence in the whole backyard." Ondrey, "I looked at it as, somebody with a small dog, if I've got a 3' tall stockade fence, I've solved my problem. The dog's going nowhere. Why would the neighbor care? They can still see across the scenario. They haven't lost their "rural feel". That's how I was analyzing the situation." DiMichele, "But if they have a German shepherd, it's not going to do one bit of good." Ondrey, "No. Then they've either got to come before PC or find some other solution."

Tripp refers to bottom of first page: 'In considering whether or not a proposed privacy fence is detrimental to adjacent properties, the PC may consider, but shall not be bound by, any objections by neighboring property owners.' Tripp, "So we have a public hearing, we hear the objections, but we're not bound by it?" Ondrey, "Yes that's my suggestion. Just because somebody stands up & says I'm against this, you might sit there & say, that's silly. With that scenario, those people do need that fence or some other rationale. I didn't want to obligate you to have to turn somebody down just because the neighbor's object. That's something you should take into consideration, but I wouldn't want to make it that they have absolute veto power."

Tripp, "In view of the large public debate that's currently being engaged in the country with the Obama health care plan & the number of public hearings we're having, I'd like to suggest that we have a public hearing on this fence issue before planning & zoning does anything." Flaiz, "If PC approves any zoning, before council adopts it, council holds a public hearing." Ondrey, "Sometimes it's not a bad idea. You think something is not objectionable & you have a public hearing here & it never goes any further because you realize opps we stepped into it & we didn't realize it. Sometimes it may pay off."

Brett, "I'm not sure between the two that we would want the one with 40% because I'm trying to come up with a use case for it. I'm struggling." Flaiz, "My comment to Dave was these were other topics that we dwelled on." Brett, "The one that seemed like I could make a use case for was the chain link all the way around the backyard. Then the 40% seemed to kick in. The way that you, David, described it, if somebody wants to put up a 3' fence & it goes all the way around the property, well it doesn't serve much of a purpose. I don't know why they'd do it. The chain link, I would want to include it in there." Flaiz, "It's covered in the first paragraph." Ondrey, "What is new in both proposals is that we are banning chain link fences period except for tennis courts, pools or pet enclosures. Even then, they have to get permission."

DiMichele, "What if I want to put a chain link fence around my whole backyard because that is my dog enclosure? I don't want to confine my dog to a 10'X6' enclosure. The whole backyard is for my dog. I'm not in favor of either of these. We have fencing ordinances. Going back to Ike bringing up all the hearings that are going on, people are tired of their rights being taken away. I bought my house! It's my backyard! If I want to put a fence around it, I'm within the fencing rights! Tough if you don't like it! I would rather have a chain link fence, then a split rail fence. If you have kids in the backyard, a chain link fence is the only thing that will work. You can not put a split rail fence & keep kids in the yard."

Sutliff, "If I want to put a 5' or 6' stockade fence up in my backyard 10' long & do some screening, I should be able to do that." Brett, "We've heard from a number of our residents when their neighbors have put these in. It's upset them. They've lived there for years & years. They will tell you that this detracts from the aesthetics & the value of their property."

DiMichele, "If you've lived somewhere for a long time & the lot next to you has been empty & somebody comes along & builds a house, it's not the same anymore." Brett, "Say someone is going to build a house & there was no restriction on height. They build a house 70' high. That could clearly detract from our house. It would be huge. That's the issue." Tripp, "You already have the height restriction. It's already in place. The fencing restrictions are already in place. I have real trouble with this thing."

Flaiz, "I didn't pull this stuff out of thin air. I looked at what other communities have. I would say we have very minimal fence requirements in our building (?) while some of the neighborhoods have some very strict requirements." Tripp, "I appreciate the amount of work that you've put into this. My concern is I think we are abridging people's rights. Somebody wants to put up a fence, they follow the existing regs, they put up a fence."

Hocevar, "Ike, would you say don't ever change this book? It stays here forever. That's ridiculous." Tripp, "No not at all. We spent 2½ years going over it." Hocevar, "And we changed it before that & we changed it before that. It's under constant change." Tripp, "That was the time we spent on planning & hiring that consultant. We had the hearings about what we were going to do down there (Muggleton/SRV Park). We passed

the special thing (CCD) about what we were going to do with the land out there. (northeast quadrant) All that is there."

Tripp, "I'm troubled by passing this ordinance. 14 of 22 permit fences under very specific issues. People know that when they move in. When they move into SR, probably most people don't come & get a copy of the zoning regs & look at them."

DiMichele, "If we're going to take it upon ourselves to decide that we don't like chain link fences, who is to say that next time we don't like yellow as a color of a house? So, we're not going to let anyone paint their house yellow. How can we take it upon ourselves to decide that we don't like chain link fences?" Hocevar, "I don't think that's what this is saying. It's saying come to PC for approval. Let's look at the house. Let's look at the lot. They are not saying you can't put it in. They're saying get a different opinion from a board."

Flaiz to Hocevar, "Can I put a purple roof on my house & get pink vinyl siding?" Hocevar, "You have to go in front of ABR." Flaiz, "The only reason I can't do that is that it looks like …" Sutliff, "I'm not so sure if that is a true statement. Maybe if you're building a new house, but if you want to go paint your house hot pink now, there'd be nothing to prevent you from doing that." Hocevar, "You'd destroy the character of the village. You don't want to make a zoning issue out of it. This book is to protect the character of the village. You think 6' board on board fences around the whole perimeter of the property line is protecting the character of this village?" Sutliff, "No. I will agree with that statement. To make a blanket statement that a 6' high board on board fence is not permitted in the backyard…" Hocevar, "Without your (PC) permission."

Sutliff, "Let me ask you this. How many of those would we hear a year?" Hocevar, "10-12. It's a lot."

Flaiz, "People move to SR because it's beautiful. They see it. They like the way it is. That's the purpose of zoning to protect the character & nature of your community. People are going to be putting up these fences; as a council member I feel I have to be responsive to our residents."

Brett, "We've spent a lot of time on this & clearly there are different opinions on it. I respect the varied opinions of all the members. I feel we should vote on it. If there is a recommendation of a public hearing, I' not opposed to that. That is part of the process. It still has to go before council. I'm ready to move."

Brett, "I make a motion for PC to recommend to council the 'ordinance amending Section 4.01 (B)(4) "Fences" in order to regulate stockade & other privacy fences in rear yards & to prohibit chain link fences with certain exceptions' with the language drafted by our solicitor, which does not include the percentages." Flaiz second.

Sutliff, "My feeling is I would be in favor of some sort of regulation. I would vote against either one of these."

Roll call: Flaiz yes, DiMichele no, Tripp no, Sutliff no, Brett yes.
NOT APPROVED

Sutliff, "If you think it would be prudent to have a public hearing, let's schedule a public hearing." Flaiz to Ondrey, "Can I take it to council? Council can approve this with or without PC recommendation. Correct?" Ondrey, "I think the procedure would be if council wanted to initiate this ordinance, that's fine. I think under the regulations, it gets bounced back to PC." Sutliff, "Oh you're in big trouble." Ondrey, "Next time, I think regardless of your decision, it goes back to council."

Ondrey reviews procedures. Ondrey, "I'm going to tentatively say, if council initiated this ordinance or some other zoning ordinance, 'the fiscal officer shall forward a copy of the proposed amendment to the secretary who shall place it on the agenda of the next regular commission meeting'. Then there is discussion about whether or not you could have a public hearing on it. Then it says, 'within 15 days after the hearing or 45 days after the filing date, if no hearing is held, the commission shall recommend approval, disapproval or modification of the amendment'. The next paragraph says, 'upon receipt of the commission recommendation, the fiscal officer will place the proposed amendment on the agenda of the next regular council meeting'."

Ondrey, "I think the answer is it would go back to council even if PC denied it. But then it takes the super majority of council to do anything different then what PC recommends. If PC rejects it, it would take 5 votes of council to change what's happened here."

DiMichele, "I understand that somebody might be unhappy with the fences. But, when you tell somebody, no you can't have a fence, then that property owner who wanted the fence is unhappy. You're going to have somebody unhappy no matter what." Brett, "It's valid. But what's been drafted here is, if somebody has a legitimate use for or a specific place or situation where it makes sense, let there be a process to go through that." DiMichele, "If I wanted a chain link fence in my backyard to keep my kids & dogs in place, I don't really care as long as I'm going with the ordinances & zoning that were in place when I bought my house. I don't really care if you don't like the idea." Brett, "Most people in SR would not appreciate that. That's the issue." DiMichele, "It's also the issue of being able to do what you want with your property as long as you are within the zoning when you bought your house."

Sutliff, "Would you folks be in favor of having a public hearing on this?" Tripp, "I suggested it. I'll stand by my suggestion. I believe we need to hear the voice of the people." Brett, "If what you're trying to do is get the feedback from the residents, there is a minimum requirement to have a public hearing. We may want to put an ad in the paper, in addition to that, to make sure that residents are aware that we would hold something. When we post a public hearing, most people miss it. If the intention is to really try to get people to weigh in - whether they want it or they don't want it - I think we really want to place a specific ad in the Chagrin Valley Times. We did that when we did the Master Use Study & Comprehensive Plan, we really tried to get the word out."

Brett, "I agree with Ike. I'm always in favor of hearing from our residents." Flaiz is "fine" with holding a public hearing. Flaiz, "I don't know if you'll get anybody. The people who complained in the past, they can't do anything about it. I don't know how

motivated they'll be to come. All I can do is be responsive to concerns & complaints of the residents. Hocevar, "I think you'll get a response."

Brett, "For what it is worth, this is the kind of story the CVT would write about. Wally, you are probably the most neutral guy on this board about this topic. I would defer Joan (reporter) to talk to you about this. If you're good with that, I'd like you to be the spokesman." Sutliff, "That's fine." Tripp, "We all agree that Chairman Sutliff would be the spokesperson for the PC relative to this issue."

Flaiz, "I move that we schedule a public hearing on the fence issue." Tripp, "second." Roll call: all ayes. APPROVED

Details: The public hearing is scheduled for September 10, 2009 at 7:30 P.M. Ondrey will prepare a legal ad for the Chagrin Valley Times; to be in the paper at least 10 days before the public hearing. Copy of ordinance that Ondrey prepared to be available for residents to review.

OLD BUSINESS: None

NEW BUSINESS:

Hocevar: handout of Parcel #: 29-066100; Location address: 5277 Chillicothe Rd. Acreage: 15.81, assisted-living property

Hocevar, "The assisted-living property on 306 is up for sale. There is talk about a lot split. They are talking about a lot split that might take 11 acres on one lot & the other 4.8 on another lot. There's a potential buyer already. They aren't saying what they'll do with it. I don't know yet." Flaiz, "Are they trying to separate the assisted living?" Hocevar, "Exactly with a little bit of more land. What you're seeing here is a zoning overlay. That's all one parcel not two. It'll be coming in front of the PC."

The next meeting is set for September 10, 2009 at 7:30 p.m. Public hearing: topic, fences in rear yards, to be considered, an ordinance prepared by village solicitor.

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

Walter Sutliff, Chairman

Maggie Tomaro, secretary

PCS-13-09
Flaiz' ordinance not to be used at Pub. Hearing 9-10-09

ORDINANCE NO.: 2009-_____ FIRST READING _____
SECOND READING _____
INTRODUCED BY: _____ THIRD READING _____

ORDINANCE AMENDING SECTION 4.01(B)(4) "FENCES" IIN ORDER TO REGULATE STOCKADE AND OTHER PRIVACY FENCES IN REAR YARDS AND TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS.

WHEREAS, privacy fences more than three feet tall, or exceeding certain dimensions in rear yards in residential areas may be objectionable and detrimental to neighboring properties when such fences exceed reasonable expectations of privacy; and

WHEREAS, chain link fences in rear yards may be aesthetically unappealing and contrary to the Village's semi-rural atmosphere; and

WHEREAS, despite such potential disadvantages and detrimental impacts of both privacy fences and chain link fences, those types of fences are reasonable and appropriate in certain particular situations.

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

SECTION 1: Section 4.01(B)(4) "Fences" of the Zoning Code of the Village of South Russell shall be amended by adding the following new paragraphs:

Chain link fences shall not be permitted except for enclosure of tennis courts, pools, or to contain domestic pets, in which case the pet enclosure shall be visually screened from neighbors through landscaping or other permitted means. Proposed screening must be approved by the Village's Building Commissioner.

No stockade fence or similar privacy type fencing, greater than three feet in height, or enclosing more than 40% of the perimeter of a back yard (regardless of height); or which has less than 65% open and unobstructed space when viewed at 90° from the fence line shall be permitted along either the side lot lines behind the residence or the rear lot line, or anywhere else within a rear yard, without Planning Commission approval after a public hearing in accordance with the requirements set forth below. Such approval may only be granted where the applicant demonstrates the proposed privacy fencing shall not be detrimental to adjacent properties and is the minimum necessary to reasonably provide the applicant with privacy. In considering whether or not a proposed privacy fence is detrimental to adjacent properties, the Planning Commission may consider, but shall not be bound by, any objections by neighboring property owners. The Planning Commission may also consider any

differences between other ordinances

adverse impact of the proposed fencing on the views, sight-lines, and character of the surrounding neighborhood and may reject any such application where any such adverse impacts outweigh any reasonable expectations of privacy by the applicant.

A public hearing shall be advertised and noticed for any application for a fence as described in the preceding paragraph in the same manner as set out in Section 3.07(b) of this Zoning Code.

SECTION 2. 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 3. This Ordinance shall take effect at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

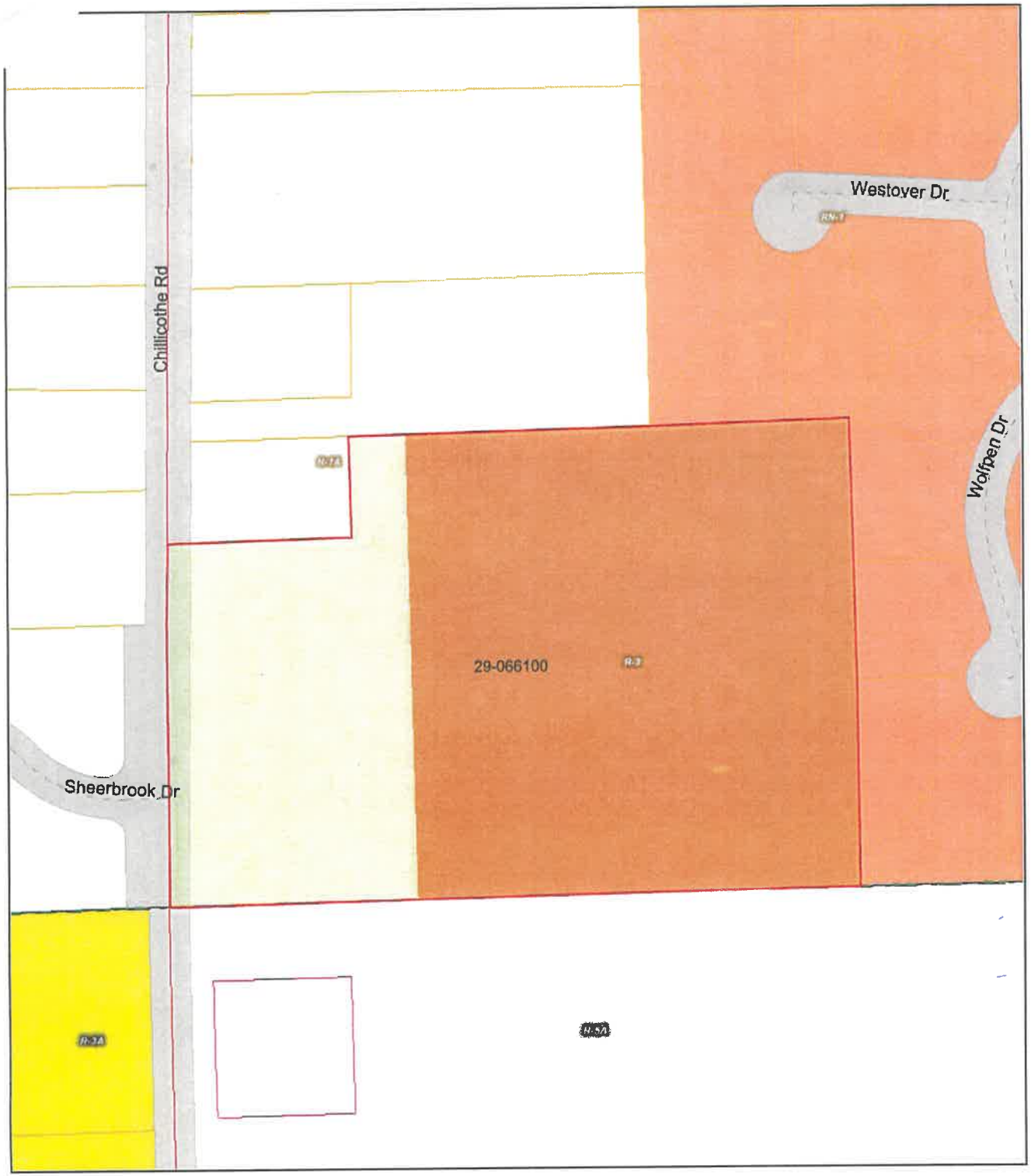
_____
Fiscal Officer

I certify that Ordinance No. 2009-_____ was duly enacted on the _____ day of _____, 2009, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

https://portal.tddlaw.com:444/Active Clients/South Russell/Ordinances/Fences (amendment) - revised.doc

(pp5 of 6 ex)



Access Geauga

Parcel #: 29-066100 **Routing #:** 29--09-13-00-087-00
Tax District: S RUSSELL VILL-CHAGRIN F EV
Location Add: 5277 CHILLICOTHE RD
Owner: EMUNA REALTY LTD

Owner Address: 30597 STILLWATER LN
SOLON OH 44139
Mail Name: EMUNA REALTY LTD

Mailing Address: 30597 STILLWATER LN
SOLON OH 44139
Deed Volume/Page: 1865/2505 **Class:** 117
Sub/Lot/Sect/Tr: LOTS 8 & 9 TR 3
Acreage: 15.81

VALUATION	Tax Year: 2009 Market	Taxable
Land	$247,800	$86,730
Improvement	$96,300	$33,710
Total	$344,100	$120,440
CAUV	$41,440	$14,500

Sale Value: $0 **Sale Date:** 20090730
Yr Blt/Remodel: 1848/
Total Living Area: 2020 **Grade:** B 00

N

Frank J. Gliha - County Auditor

"Inter-agency coordination benefiting the citizens of Geauga County"

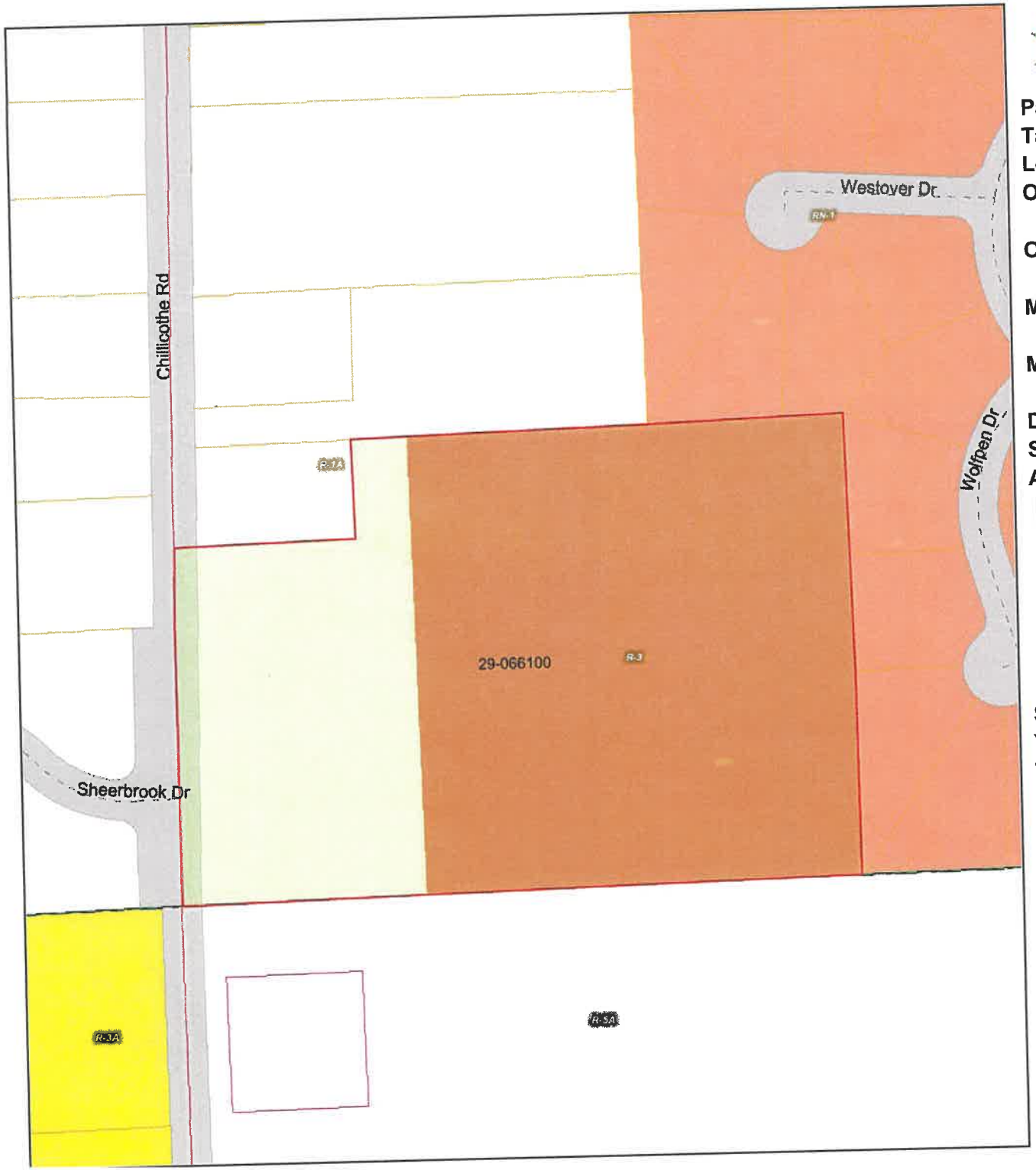
Robert L. Phillips, P.E., P.S.
County Engineer

Scale 1:2676

This map was prepared as a Tax Map for Geauga County by the Geauga County Engineer in accordance with Section 5713.09 of the O.R.C. Geauga County digital data is a representation of recorded plats, surveys, deeds, and other collected information for use within the Geographic Information System for purposes of public access and analysis. These and other digital data do not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership or use. Geauga County assumes no legal responsibility for this information and users should contact the GIS or Tax Map Departments with questions or concerns.

http://www.auditor.co.geauga.oh.us/ag/ August 13, 2009

- new business.
Jerry (PC)
Hb Clean to PC
8-13-09



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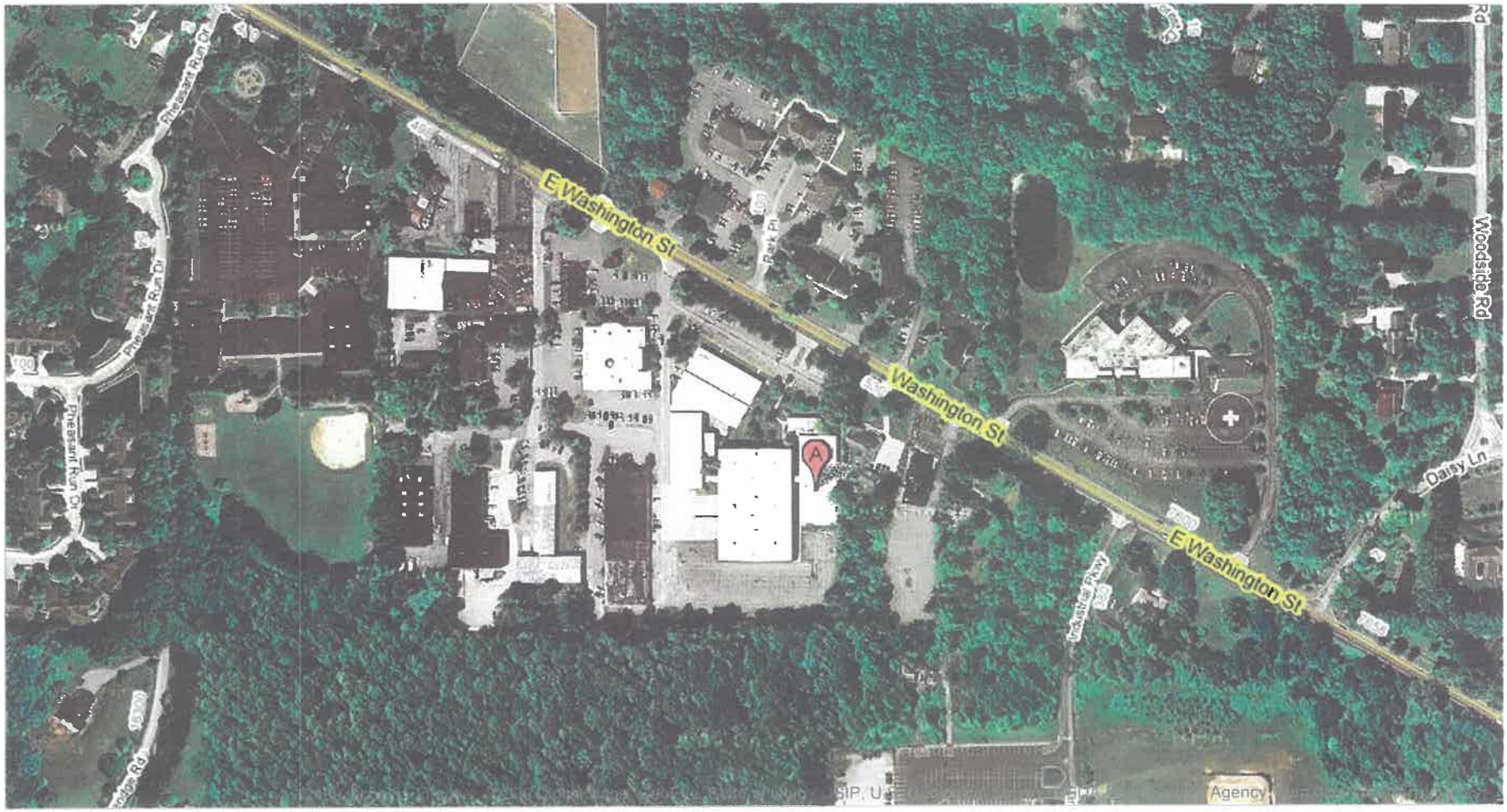
http://www.auditor.co.geauga.oh.us/ag/ August 13, 2009

Aug. 13, 09 - PC
" Bow Wow, Milbar
" NOT A Permitted Use"

Google maps Address



Camp Bow Wow®

Where a Dog Can be a Dog!

Service, Safety, and Success!

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Premier Doggy Day and Overnight Camp

About Camp Bow Wow®

Camp Bow Wow® was successfully developed to provide a fun, safe, and upscale environment for dogs to play, romp, and receive lots of love and attention! Dubbed the "Land of Happy Dogs", we provide all the services a dog owner could need – grooming, day care, training, and inside overnight boarding! We were the first to Franchise Doggie Day Care and Indoor Overnight Boarding in the United States and are extremely proud of being a business that is making dogs and their owners everywhere "happy campers" on a day to day basis.

- Our Owner/Operator's come to CBW looking for a successful way to become a entrepreneur and leave their corporate jobs to own their own business. Many national franchise concepts work with their franchisees in a similar manner, McDonald's® is an excellent example of a successful owner/operator concept where the franchisees themselves run the restaurants on a day to day basis. Concepts such as Burger King® work in a more big business environment where one large company owns 20-100 locations.

- The local CBW Owner/Operator selected this opportunity because of CBW's proven track record in safety, cleanliness, design and operational knowledge. The "trial and error" of opening this non-traditional business has already been completed; in addition, "Best Practices" are shared between camps so that systems are constantly improved.

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Camp Bow Wow® Owner/Operator Requirements

The CBW Franchise Agreement requires the following from our Owner/Operator's:

- There is a six day mandatory corporate training program that the owner must complete before opening their camp, the training agenda includes extensive on the job training at our corporate run store in Boulder, Colorado, marketing, operations knowledge testing, financial workshops, as well as brand/concept training to name a few.
- Our Franchisor training staff flies out to each camp and completes a mandatory five day training called "Poop Camp" at their facility with the camp owner and their staff. We require them to have a minimum of 1 employee hired per 10 cabins so that they have a fully trained staff prior to opening their doors, the training includes a Red Cross Pet First Aid certification process. Confirmation from the Red Cross is mandatory prior to us issuing an open certificate.
- Quarterly Evaluations to insure they are up to specifications with our most current Operations manual, marketing and promotional products, and camp equipment specifications. The evaluation is conducted by a corporate employee and is usually a surprise inspection.
- Secret Shopper program and web cam monitoring is conducted year round to insure waste is continuously removed and correct camper ratio is being upheld at our facilities. Owner/Operator is required to have web cams live 24 hours a day for constant monitoring.
- On-going annual "poop camps" at the open facilities to refresh and teach any new specifications and operational procedures.

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General Operational Information

Kennels (or "Cabins")

- The campers are kenneled during the day when being fed, napping, or during a "time-out." In the evenings, boarding campers are housed in a 4'x4', 4'x8' and/or 5'x10' cabin (kennel). Each cabin is in a climate-controlled environment that includes a raised cot with a fleece blanket. An airtight storage container (steel trash can) is kept right outside the cabin with the camper's personal belongings and/or food/treats.

Indoor Play Areas

- The structured indoor play areas allow campers to access both indoor and outdoor break areas where they socialize with other campers similar in age, temperament, and size. While in the indoor play areas, the campers are always accompanied by an employee that monitor their interaction and redirect the activity if necessary. Camper time-outs are also used and rowdy campers have their owner's called for pick-up.

Hours of Operation

- Pick up and drop off occurs anytime during the normal hours of operation of 7:00am until 7:00pm, Monday-Friday; 9am until 11am and 5pm until 7pm, Saturday and Sunday. Day camp is only offered Monday-Friday; boarding is offered seven days per week.

Staffing

- Staffing requirements include two employees for the first 15 dogs and an additional employee for each increment of 15 dogs. The employees are normally onsite 30 minutes prior to opening and 30 minutes prior to closing.

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Barking and Noise

CBW facilities consist of both indoor play areas and outdoor break areas

Privacy Fencing

- Outdoor break areas are surrounded by heavy 7' high gauge chain-link fencing which has a 1' extension arm at the top to inhibit campers from scaling the fence. Privacy and visual aesthetics are aided by the installation of dark green PVC slats on all outdoor fencing.

Camp Counselor Dog Monitoring

- While campers are allowed to spend time inside or out, an employee accompanies them at all times. In traditional kennels many times dogs bark for attention because of lack of contact with humans and other dogs. At CBW the environment allows for socialization and eliminates dogs need to bark. The staff is trained to address excessive barking by individual campers to minimize the noise both within and outside the building.

Indoor/Outdoor Sound Baffling

- In addition, fireproof sound absorption panels and/or hanging baffles can used to reduce noise. Other controls include strategically placed bushes and screens along the outside fencing (the fewer things a dog can see off the property, the less they will bark).

Soothing Environment

- CBW also pipes in classical and/or soothing music at night which calms the campers reducing noise. They are so tired from our "All Day Play" environment they usually relax quickly on their cot.

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Waste

Odor

- Disposal of animal waste is not an issue as we constantly clean and disinfect with the same cleaners used at hospitals, childcare facilities, and vet clinics.

Waste Disposal

- The Camp Bow Wow® waste removal routine includes constant play area patrol so that waste is picked up and deposited in a galvanized steel trash can with lid and a 2-3 mil trash can liner. The liner is removed, sealed and deposited in the facility dumpster at minimum twice a day. The dumpster is picked-up twice per week. A typical CBW produces approximately the equivalent to one large lawn/leaf garbage bag of waste per day.

Dumpsters

- In the rare event a dumpster odor issue arises, a special enzymatic solution is sprayed in the dumpsters to eliminate the odor. This system is recommended by Animal Control Officers who use similar methodology.



Galvanized Steel and Secured Waste Can

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Premier Doggy Day and Overnight Camp

Safety First

CBW prides ourselves in providing a "safety zone" for our campers. Once behind the check in area in our lobby the camper has little potential for escape.

- Many competitors do not put the amount of time and effort to get city approval for the outdoor storage we use for our break areas. They will allow the animals to use the inside of their facility for going to the bathroom which is a health hazard not only for the dogs, but the human employees as well.

- They also often walk the dogs and charge additionally for this service, our pricing is all inclusive. CBW does not allow a camper to leave the premises once they are checked in unless they are accompanied by their owner. Allowing our campers to urinate or defecate on the surrounding businesses walls and outdoor areas is not being a responsible business leader in the community.

- CBW as the Franchisor will not allow a facility to open without a minimum of 8 feet in total privacy fencing along the outside perimeter of the outside break area to insure not camper can scale our fence line and escape.

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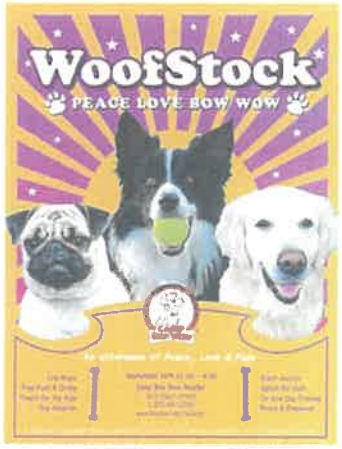
Premier Doggy Day and Overnight Camp

Community Partnership and Giving Back

Camp Bow Wow values the communities our camps are located in and since the campsites are run by local Owner/Operators and not the Franchisor there is a strong commitment to being a valued part of the community. Our camp owner network team up with local animal organizations to support them by fostering dogs, organizing charity events, and referring like services within the community.







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Site Search and Zoning

The following information will assist you in your search for an appropriate camp location; FranProp is your main point of contact for everything site search and zoning in addition your assigned Field Guide Dog is available to you during the search process to help you with your P&L and projections. Each area addresses concerns or questions that you, your real estate broker, potential landlords and/or local zoning commissioners may have during your search.

General Site Search Criteria

- Evaluate demographics and commuter traffic patterns
  - Map out existing competition (day cares and boarding facilities)
  - High concentration of upper income, 25-45 year old population
  - Existing dog parks or high end retail pet stores
  - Easy access from commuter traffic patterns
- Appropriate Zoning areas are:
  - Light industrial
  - Commercial
  - Manufacturing
  - Multi-tenant buildings in industrial parks
  - Single-floor flex stand-alone
- Building search parameters include:
  - Within appropriate zoning codes & desired geographic area
  - 4,000-8,000 square feet
  - Warehouse area – as wide open as possible – minimal office space (no more than 20%)
  - Concrete floors are ideal
  - Outside yard area, or dock doors leading to asphalted or grassy area that may be fenced in
  - Easy in-out for drop offs and pick ups
  - Climate control mandatory – evaporative cooling system, air conditioning, heat (temp no higher than 78 and no lower than 64)
  - Minimum of one ADA bathroom (or more if required by local jurisdiction) and small lobby/office required
  - Appropriate neighbors if multi-tenant facility

Camp Bow Wow® Operations Considerations

- Veterinary services include a focus on prevention in canines only
- Service staff is typically on site 6:30 am to 7:00 pm. Minimum one staff person per 15 dogs
- Dogs boarded are housed in individual indoor secured kennels when staff is not present, and are monitored using fire and security systems, as well as live web cams
- Max 125 dogs and 60 kennels or a max of 150 dogs and 75 cabins for larger facilities (over 8,000 sq. ft) in densely populated areas or an airport location; no more than 1 kennel/125/150 sq. ft.
- Grooming services may be offered on site
- Some food and other pet supplies are available for purchase
- Noise mitigation techniques are employed in the construction of the camp
- Dog waste is immediately and continually cleaned as it occurs
- The interior and exterior of the camp has numerous video cameras to monitor the dogs. The video cameras are available 24 hours a day and can be monitored by staff at night and during business hours accessed by dog owners to look in on their pet.
- All facilities have monitored fire and security systems.

Won't the dogs bark?

- Our staff is well trained and constantly monitors dogs inside and outside in the play areas
- We use specialized group and individual behavior training techniques to keep barking to an absolute minimum
- Dogs are kept inside with only brief monitored time periods outside
- Outside break yard is constructed with solid vinyl fencing or chain link with privacy slats to act as a noise buffer
- We utilize special landscape and layout techniques to address noise issues
- Play yards are positioned at back or side of property away from residential properties using building as a sound buffer

Isn't smell or waste an issue?

- We utilize the same specialized cleaners and disinfectants used in hospitals, childcare centers and gyms which keep our facilities, indoor and out, smelling fresh and clean
- We target a very upscale clientele that requires our facilities are kept spotless
- We offer our customers live web cam systems to monitor their pets – we do not allow waste visible on these cams, so it requires constant cleaning

Isn't drainage an issue?

- We do not spray anything down to clean it – we use a light misting device and specialized squeegees to assist us in cleaning the equipment
- We use a professional auto-scrubber to clean the floors which intakes any excess water into the machine
- The amount of water used to clean the outdoor play yards is the equivalent to a 5-minute human shower. Our disinfectants are environmentally friendly and do not require rinsing

Landlord References

- If needed, these are available via your FranProp Contact

Zoning Tip Sheet

Zoning Concerns - responses to why Camp Bow Wow® is premiere and may be allowed where traditional indoor/outdoor Kennels may not be:

General Functioning

Camp Bow Wow® is an upscale, non-traditional boarding kennel and doggie day care facility. Owners drop their pets off for a half-day or full day of day camp, where they are allowed to socialize with other dogs in a supervised environment, or may stay for overnight boarding as well as participate in the day camp program.

Kennels (or "Cabins")

The campers are only kenneled as needed during the day when being feed, napping or during a "time-out." In the evenings, boarding campers are housed in an indoor 4'x4', 4'x8' and/or 5'x10' cabin (kennel). Each cabin is in a climate-controlled environment that includes a raised cot with a fleece blanket, a personal storage container with the camper's personal belongings and/or food/treats.

Play Areas

The structured play areas allow campers to access both indoor and outdoor areas where they socialize with other campers similar in age, temperament and size. While in the play areas, the campers are always accompanied by a counselor that monitors their interaction and redirects activity if necessary.

National Franchise Support
Camp Bow Wow® is a franchised location with camps currently located or opening in thirty-eight of the fifty states as well as Nova Scotia, Canada. The local franchise owners selected this opportunity because of Camp Bow Wow®'s proven track record in safety, cleanliness, design and operational knowledge. The "trial and error" of opening this non-traditional facility has already been completed; in addition, "Best Practices" are shared between camps so that our systems are constantly improved.

Hours of Operation
Camp Bow Wow® service is unique in that we are open 365 days a year. Pick up and drop off occurs anytime during the normal hours of operation which are typically 7 am until 7 pm, Monday-Friday; and Saturday, Sunday and holidays from 7 am to 11 am and 4 pm until 7pm. Day camp is offered Monday-Friday; boarding is offered seven days per week with some camp owner's choosing to conduct day care on the weekends based on their market.

Staffing
Staffing requirements include two counselors for the first 30 dogs and an additional counselor for each increment of 15 dogs in the play areas, e.g., if 31 campers are in the play areas three counselors are required on site, Camp Bow Wow® requires one person for every 25 dogs to be physically in the play yards, the other camp counselors will be assisting customer's, cleaning, or doing food preparation. All camps are required to follow state mandated play yard monitoring ratios when they are more stringent, e.g., Colorado and North Carolina. Counselors are onsite 30 minutes prior to opening and remain through closing.

Noise and Visual Controls

Camp Bow Wow® consists of both indoor and outdoor play areas and campers are free to move between the two areas.

Privacy Fencing
Outdoor play areas are surrounded by heavy gauge chain-link fencing, beige solid vinyl fencing or solid panel "Priefert" fencing (ranging from 6-8' high, dependant upon local ordinances and fence type). The chain-link and Priefert fencing has a one foot extension arm at the top to inhibit campers from scaling the fence. Chain-link fencing includes privacy slats to aid visual aesthetics and, as with all Camp Bow Wow® fencing, is designed to screen the dog's view of the outside world and reduces the risk of a dog scaling the fence to escape.

Camp Counselor Dog Monitoring
While campers are allowed to spend time inside or out, a counselor accompanies them at all times. In traditional kennels many times dogs bark for attention because of lack of contact with humans and other dogs. At Camp Bow Wow® the environment allows for socialization and eliminates dogs need to bark. The staff is trained to address excessive barking by individual campers to minimize the noise both within and outside the building.

Indoor/Outdoor Sound Baffling
Fireproof sound absorption panels and/or hanging baffles are used to reduce noise as needed. Other controls include strategically placed bushes and screens along the outside fencing (the fewer things a dog can see off the property, the less they will bark).

Soothing Environment
Classical and/or soothing music is played at night to calm the campers thus reducing noise (barking).

Landlord References
FranProp will happily provide the township/city a list of current landlords and contact information that will attest to our excellent track record and lack of noise issues.

Odor

Disposal of animal waste is not an issue as we constantly clean and disinfect with the same cleaners used at hospitals, childcare facilities, and vet clinics.

Waste Disposal
Camp Bow Wow® waste removal routine includes constant play area patrol. Waste is picked up and deposited in a galvanized steel trashcan with lid and a 2-3 mil trashcan liner. The liner is removed, sealed and deposited in the facility dumpster twice a day. Dumpster is picked-up at least twice per week. A typical Camp Bow Wow® produces approximately one large garbage bag of waste per day.

Dumpsters
In the rare event a dumpster odor issue arises, a special enzymatic solution is sprayed in the dumpsters to eliminate the odor. This system is recommended by Animal Control Officers who use similar methodology.

Play Area Maintenance
The outdoor play areas are sprayed once a day with a specialized cleaner/disinfectant that eliminates odor and bacteria. Indoor spot cleaning occurs whenever an accident occurs. The floors are cleaned twice per day with the same cleaner/disinfectant.

Landlord References
FranProp will happily provide the township/city a list of current landlords and contact information that will attest to our excellent track record and lack of odor issues.

Traffic and Parking

Our typical camp only requires 5-7 parking spaces as most business is drop off and pick ups. For day camp patrons pick up and drop off takes only a couple minutes. Arrival/departure times vary due to half-day and full day programs offered. Pick ups and drop offs for boarding campers present less frequent traffic than day camp because of longer lengths of stay.

Maximum Parking Spaces
There are never more than 2-3 clients at camp at a time, so if you allow for 3-4 employee cars plus the max client cars the most parking needed is 6-7 spaces. The traffic typically flows evenly as people drop off and pick up at varied times throughout the day.

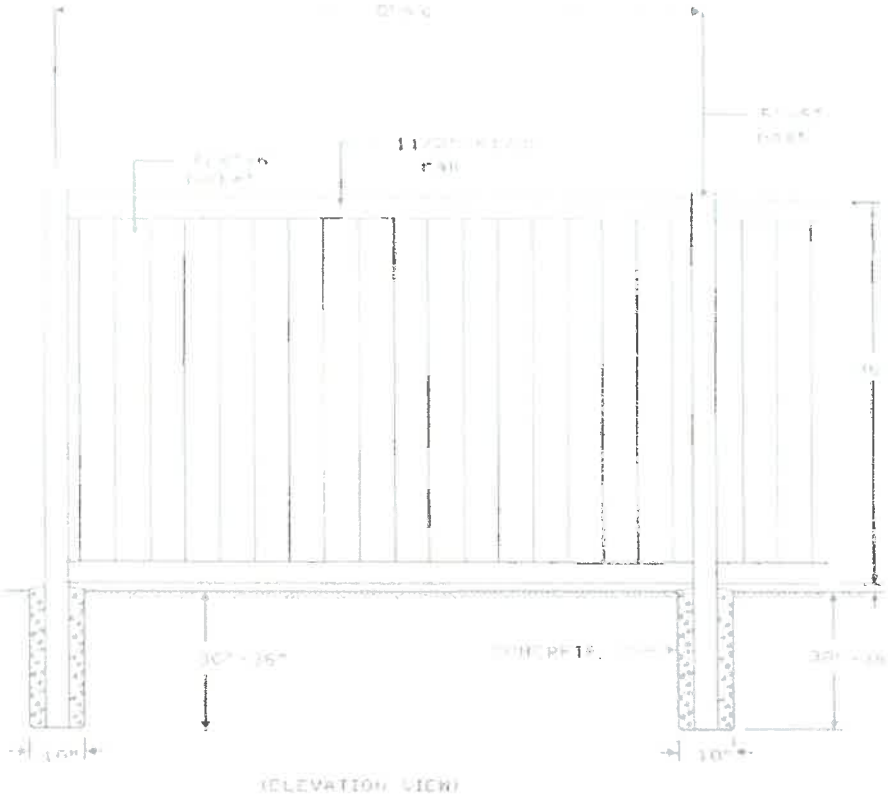
Vendors
Vendor traffic consists of deliveries by UPS and/or FedEx and occurs no more than two times per week. Camp Bow Wow® does not require freight deliveries.

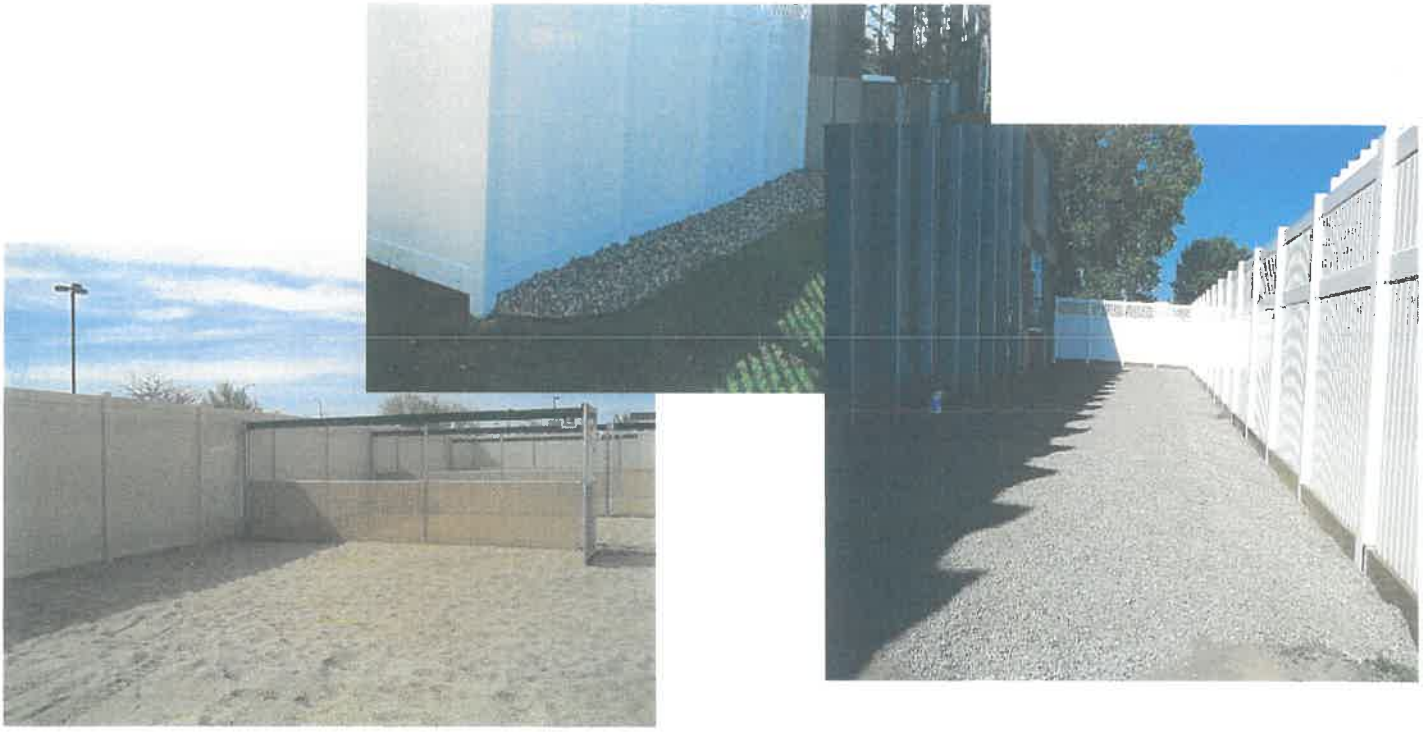
Franchisor Right to Cure

Required Camp Bow Wow® Franchisor Addendum for All Franchisee Leases
To support Camp Bow Wow®'s commitment to provide a premier environment for our campers, guardians, neighbors and community we ask that each franchisee; (a) have their Landlord provide notice to the Franchisor of, and the Franchisor's right, but not obligation, to cure, the Franchisee's default under said lease or sublease; (b) provide for the Franchisee's right to assign its interest under said lease or sublease to the Franchisor without the lessor's or sublessor's consent; (c) include right to reassign to Franchisee's successor without Landlord consent.

Camp exterior play area with vinyl fencing

Vinyl fencing specifications





Camp interior play areas and cabins









Premier Doggy Day and Overnight Camp

Lobby Pictures









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Premier Doggy Day and Overnight Camp







Bentonville, AR

7,500 sq/ft.

Open Camp #71

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Premier Doggy Day and Overnight Camp







Montrose, CO

5,643 sq/ft.

Open Camp #55

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Premier Doggy Day and Overnight Camp









Anaheim, CA

7,300 sq/ft.

Open Camp #58

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Premier Doggy Day and Overnight Camp









McHenry, IL

8,735 sq/ft.

Open Camp #60

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Premier Doggy Day and Overnight Camp









Scottsdale, AZ

6,100 sq/ft.

Open Camp #61

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Premier Doggy Day and Overnight Camp







Ft. Myers, FL

6,250 sq/ft.

Open Camp #65

© Copyright 2007, D.O.G Development, LLC

Premier Doggy Day and Overnight Camp









Bellingham, MA

9,000 sq/ft.

Open Camp #67

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Premier Doggy Day and Overnight Camp









Stamford, CT

9,250 sq/ft.

Open Camp #70

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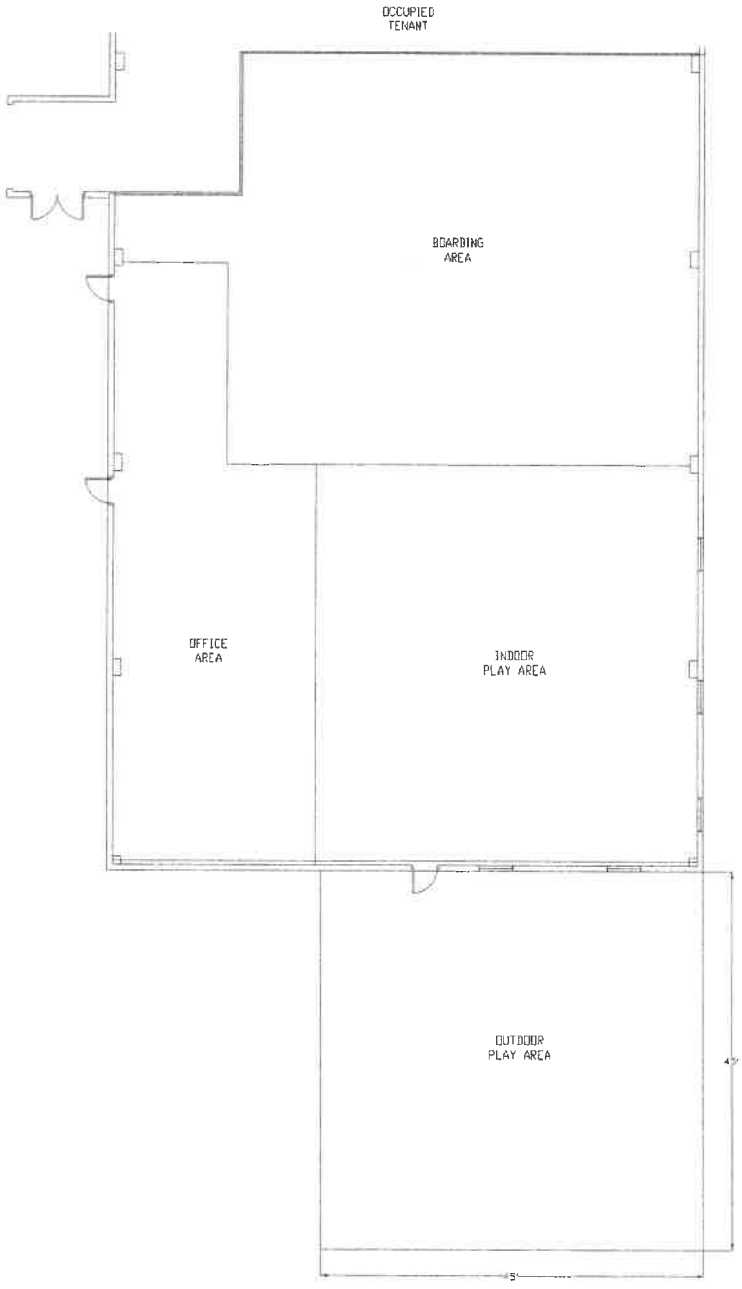


PROJECT:
530 E WASINGTON ST.
CHAGRIN FALLS, OH 44022
SHELL PLAN

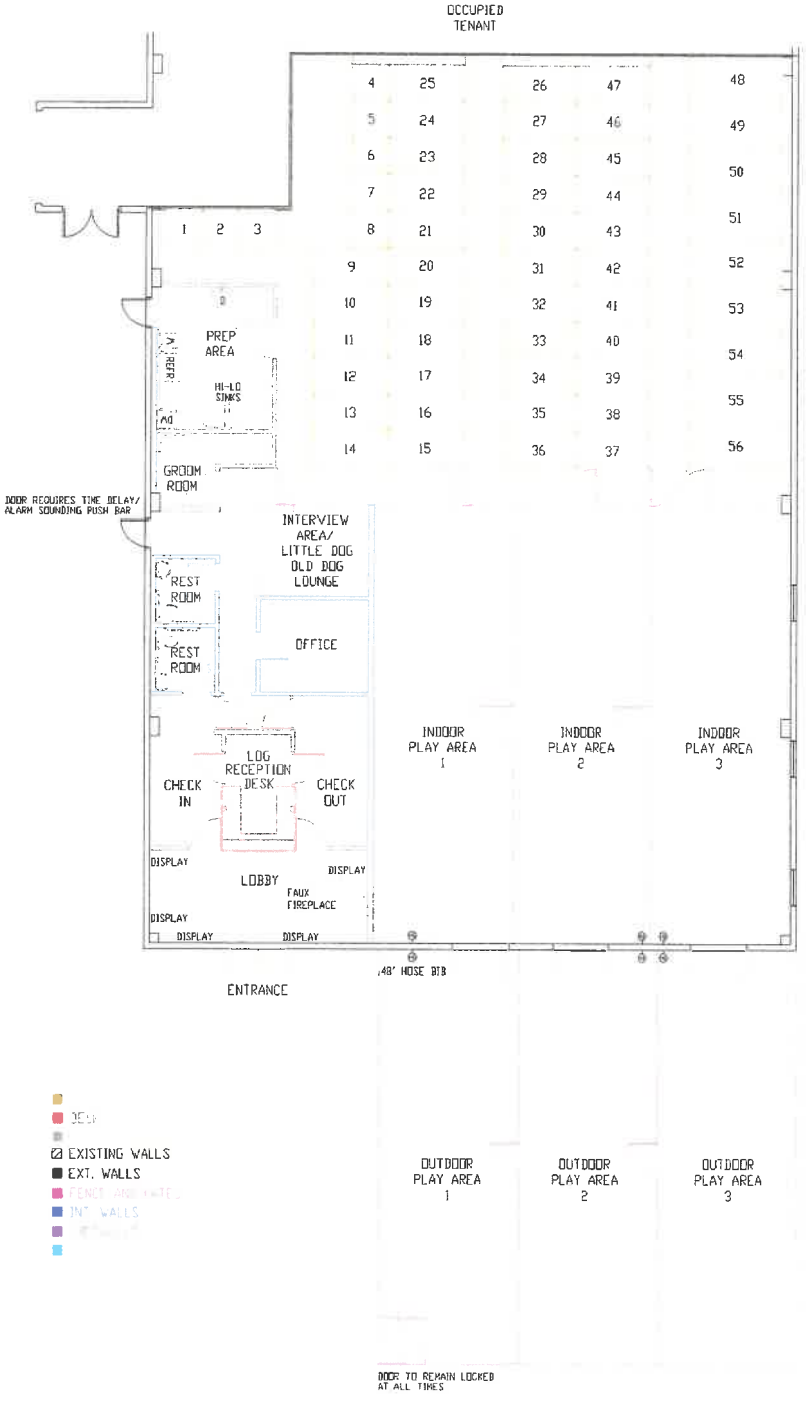
SIZE:
APPROX. 7000 SQ.FT.
MAX. DOG OCCUPANCY 117
2100 SQ FT INDOOR PLAY AREA
2000 SQ FT OUTDOOR PLAY AREA

DATE:
03-19-09

DRAWN BY:
CBW DESIGNER
AMOS VELASQUEZ

GENERAL NOTES

1. ALL GATES AROUND RECEPTION DESK TO MATCH DESK
2. ALL GATES IN WAREHOUSE ARE CHAINLINK GATES.
3. 48" FRP COLOR IS "ALMOND"
4. FULL DOORS OFF CHECK-IN/ CHECK-OUT CORRIDOR TO HAVE SMALL WINDOWS IN UPPER HALF OF DOOR.
5. ALL INTERIOR & EXTERIOR FENCE LINES & GATES TO MEET CBW SPECIFICATIONS.



ALTERATIONS OF THIS PROGRAM DESIGN ARE STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF THE CBW DESIGNER.
VERIFY ALL DIMENSIONS IN FIELD AND CO-ORDINATE WITH ARCHITECT PLANS BEFORE ORDERING MATERIALS OR STARTING CONSTUCTION.

PROJECT:
530 E WASINGTON ST
CHAGRIN FALLS, OH 44022
DESIGN

SIZE:
APPROX. 7000 SQ.FT.
MAX. DOG OCCUPANCY 117
2100 SQ FT INDOOR PLAY AREA
2000 SQ FT OUTDOOR PLAY AREA

DATE:
03-19-09

DRAWN BY:
CBW DESIGNER
AMOS VELASQUEZ

ROOM	FRP THROUGHOUT	NO ELEC. BELOW 48"	GATE	DOOR	CEILING	FLOORS	WALLS	NOTES
LOBBY					10' DROP	CBW APPROVED VINYL	FULL	SPACE FOR FIREPLACE/RETAIL
CHECK-IN	X	X	A	1	10' DROP	CBW APPROVED VINYL	48" HIGH	GATE SWINGS "IN" TO CHECK-IN AREA
CHECK-OUT	X	X	A		10' DROP	CBW APPROVED VINYL	48" HIGH	FULL DOOR TO HAVE WINDOW IN UPPER HALF
INTERVIEW AREA	X	X	C		OPEN	SEALED CONCRETE	60"HIGH	
PREP AREA	X	X	C				60"HIGH	4' X 2' STAINLESS STEEL TUB FLOOR SERVICE BASIN AND HIGH LAUNDRY TUB WASHER, DRYER, DISHWASHER, REFRIDGERATOR WATER HEATER & FURNACE
GROOM ROOM	X	X	C		OPEN	SEALED CONCRETE	60"HIGH	
OFFICE				3	10' DROP	NO CARPET	FULL	DUTCH DOOR
REST ROOM				2	10' DROP	NO CARPET	FULL	ADA DOORS AND FIXTURES/PEDESTAL SINKS
INDOOR PLAY AREA	X	X	C	5	OPEN	SEALED CONCRETE	FULL	DOUBLE DOORS NO CENTER POST
CABIN AREA		X	C		OPEN	SEALED CONCRETE	FULL	GATES VARY FOR SECURITY AND CONTROL

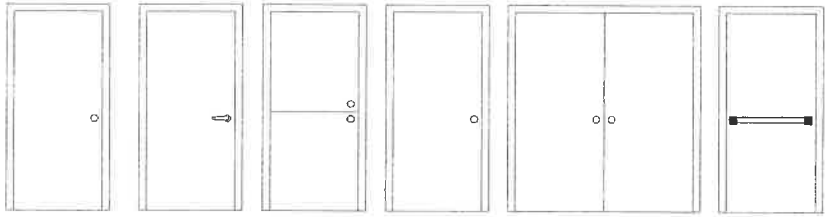
ALL FRP TO BE "ALMOND" COLOR

CBW APPROVED VINYL - VAN GOGH COLLECTION, BARNWOOD 48"x7" - VG5-7 BURNT GINGER BY KARNDEAN INTERNATIONAL LLC 888-266-4343

FINISH SCHEDULE		
MARK	DESCRITION	NOTES
(ACT)	ACOUSTICAL CEILING TILE	LOBBY, CHECK IN/OUT, LDODL, REST ROOMS, OFFICE
(FRP)	FIBERGLASS REINFORCED PANELS	MIN. 48" HIGH
(P-1)	PAINT (SW SVELT SAGE #6164)	LOBBY, CHECK IN/OUT, LDODL, REST ROOMS, ENCLOSED WAREHOUSE ROOMS
(P-2)	PAINT (SW LUXURIOUS RED #6314)	ACCENT (DOOR TRIM, CROWN MOULDING, DUCTS, PIPING, BEAMS, ETC)
(P-3)	PAINT (SW NOMADIC DESERT #6107)	WAREHOUSE AREA



A B C D



1 2 3 4 5 6

GATE SCHEDULE			
GATES	SIZE	QUANTITY	NOTES
(A)	3' X 4'	4	GATE TO MATCH LOG DESK
(B)	?' X 5'	0	CUSTOM FIT GATE W/CT
(C)	4' X 5'	11	CHAINLINK W/COLLAR TOPPER
(D)	3' X 7'	4	CHAINLINK W/COLLAR TOPPER

DOOR SCHEDULE			
DOORS	SIZE	QUANTITY	NOTES
①	3' X 6'8"	1	WINDOWS IN UPPER HALF
②	3' X 6'8"	2	FULL ADA / LEVER HANDELS REQUIRED
③	3' X 6'8"	1	DUTCH DOOR
④	3' X 6'8"	1	FULL DOOR
⑤	6' X 6'8"	4	DOUBLE DOOR NO CENTER POST
⑥	3' X 6'8"	1	TIME DELAY / ALARM SOUNDING PUSHBAR

ALTERATIONS OF THIS PROGRAM DESIGN ARE STRICTLY PROHIBITED WITHOUT WRITTEN CONSENT OF THE CBW DESIGNER.
VERIFY ALL DIMENSIONS IN FIELD AND CO-ORDINATE WITH ARCHITECT PLANS BEFORE ORDERING MATERIALS OR STARTING CONSTUCTION.

PROJECT:
530 E WASINGTON ST.
CHAGRIN FALLS, OH 44022
ROOM SCHEDULE

SIZE:
APPROX. 7000 SQ.FT.
MAX. OCC OCCUPANCY 117
2100 SQ FT INDOOR PLAY AREA
2000 SQ FT OUTDOOR PLAY AREA

DATE:
03-19-09

DRAWN BY:
CBW DESIGNER
AMOS VELASQUEZ

DO YOU WANT TO PLAY?



Chagrin Valley Cavalier King Charles Club

Starting as a "Play Group" and Social Club with the ultimate goal of being
The Cavalier King Charles Rescue Club for Greater Cleveland

"Paw"litely ask your Cavalier Pet "Parent" to call Amy
440-247-PETS or send Amy's Four Cavaliers an email to join
cavalier@ryannet.com

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
SEPTEMBER 10, 2009
7:30 P.M.

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

2. MINUTES: AUGUST 13, 2009 **amended & approved**

3. AGENDA:
PUBLIC HEARING:

FENCES IN REAR YARDS: ORDINANCE AMENDING SECTION 4.01 (B)(4) "FENCES" IN ORDER TO REGULATE STOCKADE & OTHER PRIVACY FENCES IN REAR YARDS & TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS.
WITH LANGUAGE DRAFTED BY OUR SOLICITOR, WHICH DOES NOT INCLUDE PERCENTAGES **NO ACTION**

INFORMAL DISCUSSION ABOUT TEMPORARY SIGNS
PC tables its motion to reinsert language: 'banners, flood lights, mobile spot lights & other displays shall not be permitted.' Solicitor Ondrey to research definitions for banners/pennants.

4. OLD BUSINESS:
Last meeting: development review, Camp Bow Wow 530 E. Washington St. Ondrey gave opinion to Hocevar; not a permitted use

5. NEW BUSINESS: **NEXT MEETING: 10-15-09 at 7:30 p.m. If nothing is on the agenda, but feedback about banners/pennants, cancel meeting & PC will meet 11-12-09 at 7:30 p.m.**
-status of Panini's, 540 E. Washington St. drawings will be in Building Dept. tomorrow
-use of Milbar property, 530 E. Washington St. Ondrey, "Maybe we want to expand permitted uses for that district so that these buildings can be reused productively, commercially."

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

ATTENTION SOUTH RUSSELL VILLAGE RESIDENTS

The South Russell Village Planning Commission is holding a public hearing on Thursday, September 10, 2009 at 7:30 p.m. at Village Hall, 5205 Chillicothe Road, regarding possible zoning code changes pertaining to the construction of backyard fences. The Planning Commission would like to hear resident feedback.

KT090309

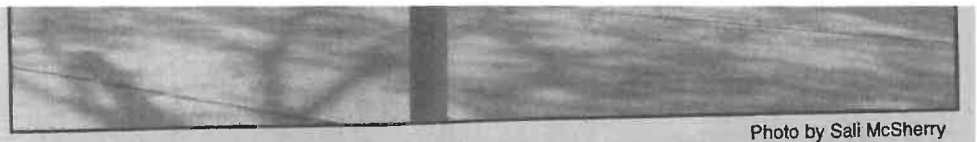


Photo by Sali McSherry

Pepper Pike City Council plans to move forward with a project to stripe Old Brainard Road to mark 5-foot pedestrian paths on the curb-sides of the street.

The Straight FACTS

- LIVED HERE SINCE 1972
- OVER 30 YEARS OF INVOLVEMENT & ATTENDANCE AT MEETINGS
- BEING A FULL TIME TRUSTEE IN A PART TIME POSITION
- TOOK A 10% PAY CUT
- INSISTED BUSINESS BE CONDUCTED WITHIN THE LAW & IN PUBLIC
- NEVER TOOK ACTION ALONE
- HAD NO CONFLICTS OF INTERESTS
- NEVER MET WITH DEVELOPERS IN PRIVATE
- INSURED INTEGRITY OF THE OFFICE & SUPPORTED ALL DEPARTMENTS
- BELIEVES IN HONESTY IN GOVERNMENT
- EXAMINED CHECKS PRIOR TO SIGNING
- STRIVED TO ALLOCATE INVESTMENT FUNDS TO FORE-STALL INCREASES IN TAXES
- WORKED TO CONSOLIDATE EXISTING OUT DATED POLICIES
- COMBINED OVERLAPPING JOBS IN ORDER TO SAVE TAX DOLLARS. **NO ONE WAS FIRED.**
- FOUND OLD RECORDS INDICATING THAT PRIOR BUSINESS WAS NOT CONDUCTED PROPERLY & SET OUT TO CORRECT THEM
- MOST IMPORTANT WAS..
  ANY QUESTIONABLE EXPENDITURE NEEDED TO BE **LEGAL**
- I WILL REMAIN ON THE SIDE OF THE TAXPAYER

Paid for by Friends of Linda W. White
Pat LaForce, Treasurer, 8635 Beacon Hill Dr., Chagrin Falls, OH 44023

MT091709

Residents' opinions on both sides of fences

By JOAN DEMIRJIAN

Residents can have strong opinions on fences.

Because of complaints in the last few years, the South Russell Village planning commission looked at fences, including what is permitted.

A proposal to amend the current ordinance dealing with fences was considered by the planning commission, and a public hearing was held on the matter Sept. 10.

The proposal would have prohibited chain-link fences, except for enclosure of tennis courts, pools or to contain domestic pets.

With the proposal, a chain-link fence containing pets would have to be visually screened from neighbors through landscaping or other permitted means.

No stockade fence or similar privacy-type fencing higher than 3 feet would be permitted along either the side lot lines behind the house, the rear lot line or anywhere else in the rear yard without planning commission approval after a public hearing.

Adverse impact of the fencing on views, sight lines and character of the neighborhood would be considered.

South Russell Building Commissioner David Hocevar said the village's current ordinance dealing with fences was approved in 1992. At that time, the village did not want stockade fences, and the current regulations do not permit them.

Under the present regulations, any backyard fence 6 feet or lower is permitted. Open space in the yard must not be less than 25 percent, and fences must be 3 feet off the property line.

Board-on-board fences, which have an open space, are allowed with current regulations, according to Mayor Matthew Brett.

Some subdivisions have deed restrictions that should be checked before installing any type of fence, according to village officials.

Resident Ann Dunning, who serves on the village's architectural board of review, said one of her concerns is that chain-link fences would be prohibited under the proposed ordinance. Chain-link fences can be less intrusive than wood fences, she said. Chain-link fences can be painted and made to blend with the surroundings, she said.

And there are situations where privacy fences should be acceptable, Ms. Dunning said.

Planning commission member Janice DiMichele said the proposed ordinance takes away property rights within the law.

Everyone has a different opinion about what is aesthetically acceptable, she said.

Commission member Ike Tripp said the issue to him is the fundamental right of people of where they want to live and what they want to do in their back yards.

Councilman James Flaiz said there is very little oversight now on fences, and the question is whether there should be some.

However, after the Sept. 10 public hearing on the matter, planning commission members decided not to do anything with the amendment.

Walter Sutliff, chairman of the commission, said after the hearing that the planning commission did not have enough concerns to send the proposed ordinance to South Russell Village Council for consideration. "We decided not to propose it to council," he said.

The matter originally was brought up regarding rear-yard fences and complaints about stockade and chain-link fences, Mr. Sutliff said. People were enclosing entire rear yards, he said.

The proposed ordinance would have prohibited chain-link and stockade fences, he said. Anyone proposing to build them would have to go before the planning commission and ask for a variance.

While the matter might come up again, the planning commission is not going to make any recommendation to council at this time, Mr. Sutliff said.

Mr. Brett said the public hearing was intended to allow residents to voice their opinions on the proposed ordinance and whether they want tighter regulations, he said.

"The reaction from residents was mixed and not overwhelming on either side," Mr. Brett said, so the ordinance was dropped.

Public Notice

LEGAL NOTICE
2009 ANNUAL PAVEMENT LEVELING PROGRAM CONTRACT NO. 2009.13 - REBID

Sealed proposals will be received by the Director of Finance of the City of Solon, at Solon City Hall, 34200 Bainbridge Road, Solon, Ohio 44139 until 10:30 a.m., Cleveland Time on the 4th day of September, 2009, for the 2009 Annual Pavement Leveling Program within the City of Solon, in accordance with Plans and Specifications as prepared by John J. Busch PE, City Engineer, 34200 Bainbridge Road, Solon, Ohio 44139.

Copies of the Plans and Specifications and Contract Documents for the work are on file at the office of the City Engineer, where they are available for inspection by prospective bidders. Proposals and Specifications must be obtained at this office for a charge of $40.00 which is nonrefundable.

All Proposals must be made on the original forms provided in the bid document book or as revised formally by an addendum. Each bid must be in strict compliance with all conditions and specifications. In order for a proposal to be considered for contract award, a complete set of plans, specifications and Contract Documents must be purchased at the location described above. Each Proposal must contain the name of each person, firm, or corporation interested in the same and must be accompanied by a bid guaranty meeting the conditions of Section A 1:08 of the Contract Documents.

Should any bid be rejected, such check will be returned to the bidder, and should any bid be accepted, such check will be returned upon requested by the Service Director or his deputy.

Each bid shall be sealed and shall contain the name of every person, firm or corporation interested in the same. The right is reserved to reject any and all bids, which shall remain firm for 30 days, to waive any informalities or irregularities and to accept the bid deemed to be most favorable to the Village.

By Order of the Council of the Village of Gates Mills.

Beth DeCapite, Clerk

CVT/ST 8/20, 8/27/09

VILLAGE OF GATES MILLS PUBLIC HEARING

A public hearing will be held by the Gates Mills Council on Tuesday, September 8, 2009 at 6:30 p.m. for all interested citizens of the Village of Gates Mills. The hearing will be held in the Town Hall, 1470 Chagrin River Road, to discuss proposed Ordinance #2009-17 entitled "An Ordinance To Regulate Illicit Discharges To The Storm Sewer System", Ordinance #2009-18 entitled "An Ordinance To Establish Standards To Achieve A Level Of Erosion And Sediment Control During Construction", Ordinance #2009-19 entitled "An Ordinance To Establish Standards To Achieve A Level Of Erosion And Sediment Control Post Construction", Ordinance #2009-23 entitled "An Ordinance Enacting Section 1157.10 Of The Planning And Zoning Code Prohibiting Wind Energy Conversion Systems", and Ordinance #2009-24 entitled "An Ordinance Enacting Section 1157.08 Of The Planning And total bid will be furnished. Checks or money orders shall be made payable to the Village of Moreland Hills.

Bids will be opened and read at the time and place stated above. Those who have submitted Proposals or their representatives are invited to attend.

The regulations of the State of Ohio, Bureau of Employment Services relative to the procurement of labor, wage rates and hours of employment shall apply.

The right is reserved to accept any bidder, to reject any or all bids, and to waive informalities should it be deemed to be in the best interest of the Village of Moreland Hills to do so.

Sealed bids must be marked "Quail Hollow Valley Pump Station Force Main & Woodland Glen Pump Station Force Main"

Dina Lelonis
Clerk of Council

CVT/ST 8/20, 8/27/09

PUBLIC NOTICE

The Village of Chagrin Falls will offer to Chagrin Falls Village Residents only through the Cuyahoga County Solid Waste District an old scrap tire round up. Tires on rims will not be accepted.

Tires can be dropped off at the Chagrin Falls Service Garage at 240 Solon Road Monday to Friday between the hours of 7:00 A.M. to 3:30 P.M. from Tuesday, September 1st through Friday, September18th, 2009.

Benjamin T. Himes
Chief Administrative Officer

sold as one item. Each bid must specify the item for which the bid is made. The items may be inspected by perspective bidders on application to the Fire Department of the City.

Each bid must be accompanied by a certified check upon a solvent bank in the State of Ohio in the amount of $50 payable to the City of Pepper Pike as security that if such bid is accepted the same will be completed in accordance with said bid. The security deposit shall be returned if the bid is not accepted, or if accepted, when the purchase is completed. Bidders are advised that the City reserves the right to accept or reject all or any of the bids. All bids must remain firm for 60 days.

By order of the Planning Commission of the City of Pepper Pike, Ohio.

Sheila Brett-O'Connor
Clerk of Council
City Hall
28000 Shaker Boulevard
Pepper Pike, Ohio 44124

CVT/ST 8/27, 9/3/09

LEGAL NOTICE

Sealed bids will be received by the undersigned Clerk of Council of the Village of Moreland Hills, Cuyahoga County, Ohio at the Village Hall, 4350 SOM Center Road, Moreland Hills, Ohio 44022, until 11:00 a.m., local time, Friday, September 11, 2009 when they will be opened and tabulated for the following service.

95 & 65 GALLON UNIVERSAL ROLL OUT CARTS

Each bid must be accompanied by a certified check or bid bond in the amount of $200.00, payable to the Village of Moreland Hills, as security that if such bid is accepted the same will be completed in accordance with said bid.

The Village of Moreland Hills reserves the right to reject any and all bids. Bidders are further advised that the Village reserves the right to accept or reject all or any portion of bids that do not meet the minimum specification requirements listed in the specification package. The Village also reserves the right to accept the bid that is deemed most favorable for their needs. Additional consideration will be given to bidders that use products manufactured in the State of Ohio. Bid specification packages may be obtained at the Village of Moreland Hills Town Hall, located at 4350 SOM Center Road, Moreland Hills, OH 44022.

No bid may be withdrawn for 90 days after bids have been opened and recorded.

All bids must be clearly marked:

RESIDENTIAL SINGLE STREAM RECYCLABLES COLLECTION SERVICES

Dina Lelonis
Clerk of Council (Pro Tem)

CVT/ST 8/27, 9/3/09

LEGAL NOTICE

Sealed bids will be received by the Treasurer of the City of Pepper Pike, Ohio until 12:00 noon local time Friday, September 11, 2009 when they will be opened and tabulated for the following two projects for the Fire Department, specifica-

be in strict compliance with all conditions and specifications. In order for a proposal to be considered for contract award, a complete set of plans, specifications and Contract Documents must be purchased at the location described above. Each Proposal must contain the name of each person, firm, or corporation interested in the same and must be accompanied by a bid guaranty meeting the conditions of Section A 1:08 of the Contract Documents.

Should any bid be rejected, such check will be returned to the bidder, and should any bid be accepted, such check will be returned upon proper execution and securing of the Contract.

No bidder may withdraw his Proposal within sixty (60) days after the opening thereof.

The City reserves the right to reject any and all bids, waive all informalities or irregularities in the bids received and to accept any bid which it deems most favorable to the City.

The City of Solon does not discriminate on the basis of race, color, national origin, sex, religion, age and disabled status in employment or provision of service.

There will be a mandatory pre-bid meeting on Friday, September 4, 2009 at the Service Garage at 6600 Cochran Road at 9:00 a.m. local time. Failure to attend the pre-bid meeting will disqualify the Bidder and that bid will not be opened. All questions during the bidding period must be submitted in writing via fax to the attention of Tom Bandiera (440) 248-8969. Questions will be addressed at the pre-bid meeting. The City reserves the right to not respond to questions asked by telephone or voice mail.

By order of the Council of the City

The City reserves the right to reject any and all bids, waive all informalities or irregularities in the bids received and to accept any bid which it deems most favorable to the City.

The City of Solon does not discriminate on the basis of race, color, national origin, sex, religion, age and disabled status in employment or provision of service.

There will be a mandatory pre-bid meeting on Friday, August 28, 2009 in the Engineering Department at 9:00 a.m. local time. Failure to attend the pre-bid meeting will disqualify the Bidder and that bid will not be opened.

By order of the Council of the City of Solon, Ohio.

D. William Weber
Director of Finance
City of Solon
34200 Bainbridge Road
Solon, Ohio 44139

CVT/ST 8/20, 8/27/09

PUBLIC NOTICE

Sealed bids will be received from United States suppliers by the Clerk of the Village of Gates Mills at her office in the Town Hall, 1470 Chagrin River Road, Gates Mills, Ohio 44040, until 11:00 a.m. local time on Thursday, September 3, 2009 for the purchase of approximately 2,000 tons of rock salt for the 2009-2010 winter season, to be used for ice control. The quantity is estimated, and not to be held as entitling the bidder to any claim for damages if the quantity of rock salt required should prove to be greater or less than estimated.

The bidder shall specify the delivered price of each unit exclusive of Ohio sales or use tax and Federal excise tax, based on the specifications herein. The bidder agrees to make deliveries within 24 hours from the time orders for rock salt are received. If deliveries are not made within such period, the Village may purchase in the open market as needed and if such price paid by the Village shall be greater than the contract price, then the bidder agrees to reimburse the Village for any loss or losses that the Village may thereby sustain. Delivery of shipments shall be made as or picking it up at the Town Hall, 1470 Chagrin River Road.

All interested citizens will have the opportunity to submit written and oral comments and ask questions. The participation of senior citizens is especially encouraged. Handicapped persons desiring assistance should call 440-423-4405 and make prior arrangements.

By Order of the Council of the Village of Gates Mills.

Beth DeCapite, Clerk

CVT/ST 8/20, 8/27/09

LEGAL NOTICE

Sealed bids will be received by the undersigned Clerk of Council of the Village of Moreland Hills, Cuyahoga County, Ohio at the Village Hall, 4350 S.O.M. Center Road, Moreland Hills, Ohio 44022, until 12:00 Noon, local time on the 4th day of September 2009 for the following project:

Quail Hollow Valley Pump Station Force Main & Woodland Glen Pump Station Force Main

IN THE VILLAGE OF MORELAND HILLS, OHIO in accordance with the plans and specifications prepared by Jeffrey J. Filarski, Village Engineer. **The force main shall be installed using directional drilling methods.**

Complete Specifications and Bidding Documents can be obtained at Chagrin Valley Engineering, Ltd., 22999 Forbes Rd., Suite B, Oakwood Village, Ohio 44146. Bidders shall deposit the sum of $75.00 for the plans and specifications. This sum is not refundable. Checks shall be made payable to Chagrin Valley Engineering, Ltd.

Each bid must be made on the Proposal Form provided in the set of specifications and must be accompanied by a bank or cashier's check or money order drawn on a solvent bank in an amount equal to ten percent (10%) of the amount bid or a bid bond also in an amount equal to ten percent (10%) of the amount bid as a guarantee that if said bid is accepted, a contract will be entered into and a surety bond satisfactory to said Village in an amount equal to one hundred percent (100%) of the

Sealed bids will be received by the Treasurer of the City of Pepper Pike, Ohio until 12:00 noon local time Friday, September 11, 2009 when they will be opened and tabulated for the sale from the City of two used 2004 Ford Crown Victoria automobiles and three 2007 Ford Crown Victoria automobiles which may be inspected by prospective bidders on application to the Police Department of the City. Each automobile will be sold separately and each bid must specify by identification number of the automobile for which the bid is made. Identification numbers will be provided upon request to the Police Department of the City.

Each bid must be accompanied by a certified check upon a solvent bank in the State of Ohio in the amount of $50 payable to the City of Pepper Pike as security that, if such bid is accepted, the same will be completed in accordance with said bid. The security deposit shall be returned if the bid is not accepted, or if accepted, when the purchase is completed. The City reserves the right to accept or reject all or any of the bids. All bids must remain firm for 60 days.

By order of the Planning Commission of the City of Pepper Pike, Ohio.

Sheila Brett-O'Connor
Clerk of Council
City Hall
28000 Shaker Boulevard
Pepper Pike, Ohio 44124

CVT/ST 8/27, 9/3/009

LEGAL NOTICE

Sealed bids will be received by the Treasurer of the City of Pepper Pike, Ohio until 12:00 noon local time Friday, September 11, 2009 when they will be opened and tabulated for the sale from the City of the following items from the Fire Department:

1. Used Breathing Air Compressor;
2. Eight Used Breathing Air Cylinders.

The breathing air compressor will be sold as a separate item from the eight breathing air cylinders. The eight breathing air cylinders will be

bid specifications can be picked up at the village service department.

Each bid must be accompanied by a certified check or bid bond in the amount of $200.00, payable to the Village of Moreland Hills, as security that if such bid is accepted the same will be completed in accordance with said bid.

The Village of Moreland Hills reserves the right to reject any and all bids. Bidders are further advised that the Village reserves the right to accept or reject all or any portion of bids that do not meet the minimum specification requirements listed in the specification package. The Village also reserves the right to accept the bid that is deemed most favorable for their needs. Additional consideration will be given to bidders that use products manufactured in the State of Ohio. Bid specification packages may be obtained at the Village of Moreland Hills Town Hall, located at 4350 SOM Center Road, Moreland Hills, OH 44022.

No bid may be withdrawn for 90 days after bids have been opened and recorded.

All bids must be clearly marked:

95 & 65 GALLON UNIVERSAL ROLL OUT CARTS

Dina Lelonis
Clerk of Council (Pro Tem)

CVT/ST 8/27, 9/3/09

LEGAL NOTICE

Sealed bids will be received by the undersigned Clerk of Council of the Village of Moreland Hills, Cuyahoga County, Ohio at the Village Hall, 4350 SOM Center Road, Moreland Hills, Ohio 44022, until 11:00 a.m., local time, Friday, September 11, 2009 when they will be opened and tabulated for the following service.

RESIDENTIAL SINGLE STREAM RECYCLABLES COLLECTION SERVICES

The Village of Moreland Hills Service Department is seeking competitive bids for residential single stream recyclables collection services, detailed bid specifications can be picked up at the village service department.

2. Domestic hot water heating system.

Bidders may bid on one or both projects. The bid must specify the project for which the bid is being submitted and it for both project must contain a separate bid for each project. Each bid must be accompanied by a certified check on a solvent bank in the State of Ohio in the amount of $100 payable to the City of Pepper Pike as security that, if such bid is accepted, the same will be completed in accordance with said bid. The security deposit shall be returned if the bid is not accepted, or if accepted, when the project is satisfactorily completed. The City reserves the right to accept or reject all or any of the bids. All bids must remain firm for 60 days.

By order of the Planning Commission of the City of Pepper Pike, Ohio.

Sheila Brett-O'Connor
Clerk of Council
City Hall
28000 Shaker Boulevard
Pepper Pike, Ohio 44124

CVT/ST 8/27, 9/3/09

LEGAL NOTICE
SALT STORAGE FACILITY CONTRACT NO. 2009.33

Sealed proposals will be received by the Director of Finance of the City of Solon, at Solon City Hall, 34200 Bainbridge Road, Solon, Ohio 44139 until 10:30 a.m., Cleveland Time on the 11th day of September 2009, for the Service Garage Salt Storage Facility within the City of Solon, Contract 2009.33 in accordance with Plans and Specifications as prepared by John J. Busch PE, City Engineer, 34200 Bainbridge Road, Solon, Ohio 44139.

Copies of the Plans and Specifications and Contract Documents for the work are on file at the office of the City Engineer, where they are available for inspection by prospective bidders. Proposals and Specifications must be obtained at this office for a charge of $40.00 which is nonrefundable.

All Proposals must be made on the original forms provided in the bid document book or as revised formally by an addendum. Each bid must

City of Solon
34200 Bainbridge Road
Solon, Ohio 44139

CVT/ST 8/27, 9/3/09

LEGAL NOTICE

The Planning Commission for the Village of South Russell shall hold a public hearing to hear comment on a proposed amendment to the Village's Zoning Code which would (1) prohibit stockade or similar privacy type fencing greater than 3 feet in height in rear yards without prior Planning Commission approval after a public hearing and (2) prohibit chain link fences in residential areas except for certain limited exceptions. A full copy of the proposed amendment concerning fences is available for review at Village Hall.

The public hearing on such amendment shall take place at 7:30 p.m. on September 10, 2009 at Village Hall located at 5205 Chillicothe Road, South Russell, Ohio 44022.

Signed Maggie Tomaro, Secretary
Village Planning Commission

CVT/ST 8/27/09

LEGAL NOTICE

Notice is hereby given that a public hearing will be held before the Planning Commission of the City of Pepper Pike on the following request for a variance at the Council Chambers of the City of Pepper Pike located at 28000 Shaker Blvd., Pepper Pike, Ohio on the 5th day of October, 2009 at 7:30 p.m.

Request by Fredrick Doob for a variance from the provisions of Pepper Pike Codified Ordinance §1270.01(b) to permit a fifty foot free standing radio tower in the rear yard at 2762 SOM Center Rd.

By order of the Planning Commission of the City of Pepper Pike, Ohio.

Sheila Brett-O'Connor
Clerk of Council
City Hall
28000 Shaker Boulevard
Pepper Pike, OH 44124

CVT/ST 8/27/09

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
RECORD OF PROCEEDINGS
SEPTEMBER 10, 2009
7:30 P.M.

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

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

GUESTS:
Joan Demirjian, CVT, 525 E. Washington St.
Mr. & Mrs. E. T Moroney, 1412 Bell Rd.
Ali Barker, 67 Morningside Dr.
Ann Dunning, 62 Morningside Dr.

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from August 13, 2009 were amended & approved.

PUBLIC HEARING:

FENCES IN REAR YARDS: ORDINANCE AMENDING SECTION 4.01 (B)(4) "FENCES" IN ORDER TO REGULATE STOCKADE & OTHER PRIVACY FENCES IN REAR YARDS & TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS.

Two publications: Ondrey prepared a legal notice that was in the Chagrin Valley Times on 8-27-09 & a notice to stimulate interest was published in the CVT on 9-3-2009.

Sutliff, "At the last meeting, we had a proposed ordinance to recommend to Council that was not approved by this board. It was suggested that we get some input from the community on this proposed fence ordinance."

Ondrey, "The ordinance is intended to address fences in backyards. The one that is subject to continued discussion, but was voted down by the PC at the last meeting, prohibits chain link fences except for enclosure of tennis courts, pools or to contain domestic pets. If you have a chain link fence, you have to screen it in some fashion that would be approved by the village Building Commissioner."

Ondrey, "The other portion of the proposed ordinance would address privacy fencing, stockade fencing. It would require, if you want a stockade fence or similar privacy fencing in your rear yard, & if it is greater than three feet in height, then you have to get PC approval. That is not the case now. You're entitled to put a privacy fence in your backyard."

Ondrey, "The PC would notify neighbors & have to hold a public hearing to gather opinions or comments about the proposed fence. In considering whether or not the proposed fencing is detrimental to adjacent properties, the PC would consider those comments by the neighboring property owners. They would consider any adverse impact of the proposed fencing on the views, the sight-lines, or the character of the surrounding neighborhood. They could reject the application where they conclude the adverse impacts outweigh any reasonable expectations of privacy by the applicant."

Ondrey, "That is the ordinance that is still being considered. What would happen here is the public can comment on it or ask questions about it tonight. (to the PC) You may consider it further & take another vote or you may decide to let it drop. Or we may decide to change it. It is an attempt to find out what the public thinks about this kind of proposal."

Emmett Moroney, (1412 Bell). "We saw the notice in the paper & thought it was a good thing to know what was & what wasn't allowed at the present time. We don't have any fences in the neighborhood at all. On the stockade fences, is there anything that regulates which side has to face the neighbors? On a fence, one side always looks nice with the pickets & the other side isn't quite as nice. It has the supports & poles." Sutliff, "Good point." Ondrey, "It is not in the proposed legislation." Flaiz, "The finished side has to face toward the neighbor in a lot of places. I don't think we have that requirement." Hocevar confirms that South Russell doesn't currently have that requirement. Sutliff, "That is something to consider." Tripp, "A board on board fence, you don't know the front or the back. They alternate so there is equal view of the post from either side."

DiMichele, "I thought we don't allow stockade fences." Ondrey, "We don't. We're using that as a catch phrase. Now if you put a privacy fence in, it has to have 25% open space is the regulation." Hocevar, "Correct." Ondrey, "Although, there are stockade fences with no open space now. I guess they were grandfathered."

Flaiz, "The board on board fences going down the property line is the kind that we got most of the complaints about.

Ali Barker, (67 Morningside). "We actually just moved about two weeks ago to the area. We have two dogs. We have about 1½ acres of land. The majority of it or at least half of it is wooded area. What we were thinking of doing was putting up in the back, in the wooded area where it wouldn't necessarily be noticeable, a simple what they call a horse's fence; just a wire fence to keep our dogs in. The driveway area, where it could be viewed, we'd have a gated fence; a nice iron gated fence, not another chain link fence. I heard this meeting was going on & I thought maybe I should come here because there is no point doing something if it is against the rules. Is that something that is doable? Is it not doable?"

Sutliff, "I think yours is doable. It's not a chain link fence." Barker, "It is not a chain link fence. It is a wire fence. We saw it on the Lowe's site. We have a small dog. He can

easily clear four feet, but he can't do five. With this particular type of fence, he can't climb it. This would just hold him in."

Brett, "How would you describe the material again? You mentioned wire." Barker, "They call it a horse's fence. Basically, there are large squares; maybe 4" squares of fencing. It comes in a roll. There is no support across the top. It would be a 5' high fence. Every 10' you have a post. The way we have it figured out, you would not see a lot of that. As people walk by, they would see a gated fence."

Brett, "If you have a guess of your backyard, what percentage of the backyard would be penned in by that fence?" Barker, "I would say the majority of the backyard would be penned in. I guess our backyard is 30' X 25'. That is the lawn area. Beyond that, is woods. The fence would actually go into the woods. We have a small shed as well. We'd tack it on to the shed & go out that way. In the summer time, you wouldn't see it at all. In the winter time, it would be seen."

Brett, "If you factored in the whole backyard; the lawn area & the wooded section, what percentage would you guess the fence would take up?" Barker, "It would probably take up 70% of the backyard. The front & side would not be fenced. So, the entire property, it would probably be about 20% - 25%. The backyard, it would be the backyard that was fenced."

Brett to Hocevar, "Under our existing zoning, based on what he described, would that be something that he could put up?" Hocevar, "Yes. It is considered a fence. It would need to be three feet off the property line. It falls within the height regulations. He could put that up. Five feet is the height limit." Ondrey, "For the sake of discussion, the proposed ordinance wouldn't prohibit it either because it is not a privacy fence nor is it a chain link fence."

Sutliff, "Have we defined a chain link fence?" Ondrey, "I doubt that you could argue that that was a chain link fence. The chain link has the twist around. These fences have a grid. They are large spaced blocks & they are used out in the country for pastures."

Tripp, "Technically, the type of fence he is talking about is a welded mesh fence; a cattle fence. A chain link fence is a woven; they use a weaving machine to manufacture a chain link fence." Ondrey, "Maybe we want to consider defining what is a chain link fence?"

Sutliff, "If we're looking at aesthetics, what's the difference between a 5' high chain link fence & this cattle fence? Aesthetically, is one nicer than the other? Or are they both pretty ugly?" Ondrey, "This is subjective & it's not a legal opinion. I think they are very different. I think chain link's have much smaller open spaces. Typically, they aren't dark colored. I think these fences are dark green or black. They aren't silver like a typical chain link."

Brett, "Under existing zoning, he'd be able to put up this fence & probably what we had contemplated, it would also." DiMichele, "No it would not." Ondrey, "No. It's only privacy fences over three feet high that the ordinance prohibits unless you get PC approval." DiMichele, "So chain link fences can be 5' high?" Ondrey, "No we are prohibiting chain link fences." DiMichele, "Between a chain link fence & what he is proposing, I think a chain link fence is much nicer to look at. If we are going to prohibit chain link fences, I think we're going down a step to allow those."

Brett, "If we had a requirement that the fence you are contemplating required you to come up, do a permit & it would come before a board like this to seek approval, how would you feel about that?" Barker, "I'm here because of that & I would do it again. DiMichele, "In that case, if your neighbors decided that they didn't like the color of the fence you wanted to put up, they just state that opinion & we're supposed to take that into consideration."

Ondrey, "If you're in a subdivision, many of the subdivisions in SR have their own deed restrictions or regulations that might prohibit fencing of some kind. I don't know if you are in one. You might want to check to make sure." Barker lives in Lake Louise. Tripp refers to sheet indicating which subdivisions allow fences. Tripp, "Lake Louise, fences are permitted."

Barker, "Walking around, I haven't noticed any fences. Out of curiosity what is offensive about the double wooden fence?" Brett, "We refer to it as a board on board. If you look at it straight on, you wouldn't see anything through it. When you look at it at an angle, you would see 25% open space." DiMichele, "Right now it's allowed under our current regulations." Brett, "The reason that some might find it objectionable is that if a property owner put up a fence like that & it went all the way down the property line, that would change the view of the backyard. That is one of the concerns. While you'd still be able to see a little bit through it, a 5' high fence could be viewed as a deterrent to the property values & the view."

Ondrey, "What generated the discussion was a few of those fences, which are allowed, got approved & there were complaints by neighbors. They felt it either changed the view or somehow negatively effected what they viewed as the aesthetics."

Ann Dunning, SR ABR member, (62 Morningside Dr.) Dunning has been on the Chagrin Falls Architectural Board of Review for 15 years & saw many fences come through. Dunning, "First of all this business of needing to come into PC to get a variance, it could be very overwhelming. (In CF) We had a fence come in almost every meeting. They were open to the neighbors to come in & make comments. There was notification. One of my concerns is I have a beautiful woods. I would prefer to see a chain link fence or something you could see through. It could be painted black or green & just die into the woods. It still allows small animals to get through & it blends in with nature a lot better then any of the wood fences."

Dunning, "I have a concern with the height of the fences, three feet. When I lived in Chagrin, I had a five foot fence. The benefit of it was when I stood up I could see my neighbors. But, when I sat down they couldn't see & know what I was having for dinner. There are cases where that should be acceptable. It's a lot more sensitive & a lot more involved then what I read in the ordinance.

Dunning, "We do have some considerations as to where the fence is going, what the neighbors care about & what we as a Village care about as far as the looks of it."

Brett, "I feel like I'm hearing two different things. One is from a process perspective, this could be a problem. So be careful. And also maybe you're supportive of having..." Dunning, "I'm supportive of having a chain link fence. A three foot high fence does nothing.

So, I'd rather have a five foot fence where it is appropriate. The board on board fence is staggered. The reason it is staggered is so that air passes through. If you put a tight fence together, the air stops & that's the reason for the spacing."

Sutliff, "The chain link fence in the backyard is not objectionable to you." Dunning, "No. You can landscape right up to it. If you put plants next to it, you don't even know a fence is there."

Flaiz, "Right now, we have very little oversight. There really is no application process. They just put it three feet off the line. Do you think we should have some oversight? Like they'd have to come before us or ABR?" Dunning, "Probably ABR is the fair place to take it. I can't see as an architect having them come through the variance process." Flaiz, "This isn't a variance." Dunning, "Or any kind of permission without any thought to the aesthetics of it and also get the neighbors opinions. It does need to be negotiated."

DiMichele, "What happens if you really want a privacy fence, but you only plan to put up a chain link fence to keep your dogs in? Your neighbors are mad at you and they say, no I don't want you to do it." Dunning, "That's where the board comes in & makes a decision. If the chain link fence is put the proper distance off the property line & it's according to the way the code is written, you can negotiate some of that. One of the things I would think about is how far back the stockade fence was before it turned into a chain link fence." DiMichele, "We wouldn't even allow those stockade fences." Dunning, "The board on board or whatever the wood fence would be."

Sutliff, "What would that process involve? You come & get a permit. But to get a permit, you have to negotiate with the neighbor, and then negotiate with this board or the ABR." Dunning, "You'd go to the Building Department & apply for a fence permit. It would be heard by the ABR." Sutliff, "What criteria would they use? Zoning tells us it has to be three feet from the property line." Dunning, "It can't be any higher than five feet. Or there were some cases where a six foot fence was appropriate. We'd go through a variance process for that." Sutliff, "That's pretty much the way our ordinance is written now." Ondrey, "It's PC instead of ABR." Sutliff, "The way the present zoning is written, it is permitted other than we don't have a negotiating process or approval process." Ondrey, "Correct. Our backyard fencing now is anything is allowed under 5', as long as it is 3' off the property line & you have 25% open space. It sounds like in Chagrin Falls, if you want to put a fence in, you're going to go in front of the ABR every single time to get it approved." **Correction: Hocevar said fences are allowed to be six feet high.** Hocevar, "Current zoning; six feet, board on board, shadow box fence around the whole perimeter of the rear yard & three feet off the property line."

Sutliff, to Dunning, "What would happen if the ABR doesn't like it? If they don't like a chain link fence?" Dunning, "Again is it appropriate where it is? Can we talk people into doing it? We talk people all the time into maybe making changes for the benefit of making it more aesthetically pleasing."

Ondrey, "I tried to focus it on privacy considerations. Someone may say I want to be private on my stone patio behind my house. That is very understandable & reasonable given where the neighbors are. But maybe there are situations that they want to put a 6' high fence all the way around the perimeter where they don't need that much privacy." DiMichele, "How can you determine how much privacy they need? It's my yard & I determine how much privacy I need. I don't care what you feel." Ondrey, "It's going to be what the board considers. In addition, the board may say, in this particular case, that doesn't make any sense. You could put a six foot high fence around & it's not giving you any more shelter then it would if you had it just around your back patio." DiMichele, "It'll keep my dogs in & keep my kids in my yard." Ondrey, "Right. Those are considerations the applicant can make. I have these three big dogs & I've got to have something tall enough to keep them in here. We're saying nothing would be automatic. At least they have to present to you some rationale why it makes sense for them."

DiMichele, "The only rationale is I want the fence. It's within the zoning. I want the fence. It's my yard. I don't know why I have to present anything to anybody to justify why I want to have a fence in my yard." Ondrey, "Because it could negatively impact your neighbors." DiMichele, "If I'm following zoning & it's a fence that I think is pretty& you don't think it's pretty, you don't like my choice of fence, I have a hard time with this. I think we are taking away the rights of the property owners to do what they want to do in their yard within the confines of zoning that's already in place. They are subjective like the big discussion here that chain link fences are so ugly. She (Dunning) is saying a chain link fence is fine. It lets little animals through. You can see through it. Two totally different opinions on what we've had on chain link fences so far. Everybody you talk to is going to have a different opinion on it."

DiMichele, "He (Barker) wants to put a fence up that I may find ugly, but it's his yard. As long as he is following zoning, I have a hard time asking people to come in here & explain why they want to do something in their yard that conforms to the zoning."

Dunning, "Well we do the same thing with the ABR all the time. Every meeting we make decisions. Is this aesthetically pleasing? Is this window in the right place? Does this window have muttons?"

Flaiz, "The purpose of ABR is to protect the community, protect property values & protect the nature of our community. If you want 100% personal property rights then let's look at Middlefield Township, eliminate zoning & your next door neighbor can open up a junkyard." Tripp, "That's not what the argument is Jim. Let's stay focused on the fence ordinance. We've spent 2½ years reviewing the zoning. We hired a zoning planner. We developed a comprehensive plan for the village. We redid the thing & it was comprehensively done. You weren't here. I'm not saying it's never going to change as Mr. Hocevar pointed out at the last meeting. Are we going to change it? Yes we're going to change it when it's necessary. The issue is to me, the fundamental rights & freedoms of people; where they want to live, how they want to live & what they want to do in their backyard. I was hopeful that we would have a nice town hall meeting; a number of people

would show up, they would voice their opinions so we could hear the people because we are a government of the people, by the people & for the people. We all need to remember that."

Brett, "In regard to that point, that's exactly what we're here for. I would ask that the board hold on sharing their opinions. The purpose of the public hearing is to hear from our residents. How do you feel about it? Try not to point you in a specific direction or not. How do you feel about the topic? How do you feel about what we have today? Is it adequate? Do you think there is something else that we might need? If so, what could that be?"

Dunning, "My main concern was the height & the fact that chain link fence might not be used. In my backyard, it would be appropriate." Brett, "For clarification, under our existing zoning, that's ok. Under what had been contemplated, that would not be permitted. But there is a process if a resident wanted that, they could put an application into the village." come to PC."

Ondrey, "In the matter of chain links, the way we wrote it, we essentially prohibit them except for tennis courts, pet enclosures. If you are going to consider any ordinance at all - based on Anne's comment - you may consider lumping the chain links along with the privacy fences. That is you can't have one unless you come to ABR or PC to get approval."

Tripp, "I have a question for Dave Hocevar. What about the deer fences that people are putting in? They are a soft mesh fence & they are putting them in their backyards to keep the deer from coming into the yard & coming into the garden. Actually, they are about 7' tall. It's black plastic." Hocevar, "Under existing ordinances, if they are over 6' high, they are not permitted. That is considered a fence in our ordinances."

Hocevar, "The ordinance we have now was instituted in 1992. Before then, our ordinance was very open about fences, stockade fences. People came & said we don't want to see stockade fences throughout SR Village. So the PC decided to put together an ordinance with some kind of regulation on fences (in 1992). So they limited it so you wouldn't see 6'high stockade fences along property lines. This ordinance that we have now has been in place for 17 years."

Dunning, "For stockade/privacy fences, that would be an option. You could have a certain percentage of that. Let's say 25 feet back from the edge of your house is as far as it could go into your 200 foot piece of property." Ondrey, "Since we now prohibit stockade fences, we've been talking about this board on board. I think your point is, maybe that's overkill. Maybe you (PC) ought to allow stockade fences within some distance of the home." Brett, "Is that what you are referring to? It's not just board on board, but stockade fences." Dunning, "When you say stockade fences, that's sticks going up & very tight together. The board on board has a purpose. It does let the air flow go through."
Brett to Dunning, "You feel the stockade fences – the boards next to each other- some of that would make sense to be allowed." Dunning, "I think there are some nice fences that can go up that way & look that way. I would hate to see everybody's fence look the same. There are some beautiful fences. There are wrought iron fences if people want to put the money into that are gorgeous."

No other comments. The Public Hearing adjourned at 8:10 P.M.

PLANNING COMMISSION MEETING RESUMES:

INFORMAL DISCUSSION ABOUT TEMPORARY SIGNS

Hocevar explained that a sentence was eliminated from the temporary signs ordnance of the zoning code when it was last drafted. He doesn't remember if PC did this intentionally or if it were an oversight by whoever typed the latest zoning code. Eliminated: 'Banners, flood lights, mobile spot lights & other displays shall not be permitted.'

Hocevar, "It's not in this. What it is giving permission to do now is allowing these banners, these flags to go up at the commercial properties across the street. These banners, these flags were all across the property at Ann's Day Care (5188Chillicothe Rd.) There were about 100. And we have no control over it. Right now our sign ordinance does not regulate that."

Ondrey, "I think it was inadvertent. I have no recollection that we made a conscious decision to eliminate the prohibition of banners, flood lights, mobile spot lights & other displays. If you're so inclined, what we probably want to do is get it back in there." Sutliff, "I agree."

Brett, "I thought when we had talked about that, we intentionally didn't include it under temporary signs because we didn't want banners, flood lights, mobile spot lights & other displays. I thought that was covered somewhere else. I remember talking about, 'what is a banner'? Clearly, our intention was we don't want those. I thought it wasn't in the new language because it's covered in another spot." Hocevar, "I looked. It's not."

Brett, "I'm in favor of having the language in the temporary sign ordinance that states that banners, flood lights, mobile spot lights & other displays shall not be permitted."

Sutliff, "What is the definition of a banner?" Hocevar, "I don't know if we address it." Sutliff, "Is the sign across Bell Road considered a banner?" Brett, "Not when we do it."

Tripp, In Section 6.06 we really missed it. I remember we specifically talked about a sign down the road & you said they take it down, they put it up. This is written; it talks about the three times with 30 day separation. It misses the 20% display area. I'd say you want it to be, the banner sign shall not exceed 20% of the display window area & banners, flood lights, mobile spot lights & other displays shall not be permitted."

Hocevar, "You talk to sign companies, when they refer to banners, they actually are referring to those triangle shaped things that hang from wires that go all the way around the property. Ann's Day Care, the whole property was decorated with them; like pennants all the way around."

Flaiz, "But the 20% of the display window area, it does seem like it's a good idea." Ondrey, "Maybe that's why we said a temporary sign couldn't exceed 14 square feet in area. Rather than fuss with 20%, it was easier to say you can't get bigger than 14 square feet." Tripp, "But we missed the banners, flood lights, mobile spot lights & other displays." Hocevar, "Exactly."

Sutliff, "What is the process of putting that back in? Do we propose the change & it goes to Council?" Ondrey, "The usual." Sutliff, "Is this board in favor of that? I'm certainly in favor of it." Ondrey, "It may not be any more complicated than you adopt a motion to reinsert that last sentence, 'banners, flood lights, mobile spot lights & other displays shall not be permitted' into paragraph 2e, Section 6.06. Tripp, "So moved." DiMichele, "Second." Ondrey, "I'm wondering, since the issue came up, that there might be differing opinions on what is a banner? Do we want to spend some time & try to define that? I think some of us interpret banners as pennants. Others think banners are those things that hang over the highway." Brett, "We just hung up a large temporary sign." Flaiz, "This only applies to businesses."

Brett, "I do recommend that we define what a banner is. Those triangle things that I call a pendant is certainly not what we wanted." Ondrey will research definitions for banners/pennants.

PC tables its motion to reinsert language: 'banners, flood lights, mobile spot lights & other displays shall not be permitted.' Ondrey to research definitions for banners/pennants.

FENCE ORDINANCE:

Sutliff, "The proposed ordinance was voted down at the last meeting. Where do we go from here?" Ondrey, "It's your call. You don't have to do anything. You don't have to make any motion. All we did was advertize for a public hearing to discuss it.

Sutliff, "I happened to vote against it last time. After what I heard tonight, I don't think I'd change my vote." DiMichele. "I'm with you." Ondrey, "Do you want to drop it as a subject? Do you want to keep toying with it? Or is it so controversial or so repugnant to you, that you don't want to pursue it any further? That's the next step we ought to decide."

Brett, "Two comments: At this point in time, it appears that the vote would be 3 (against) & 2 (for). Unless one of the three would flip, I'd agree to drop it. The other comment is I thought Ann's comments; I thought she had some interesting things to consider. There are times that a mixture of fencing types are really the most appealing & best solution for all. That could be a combination of stockade, board on board & chain link. That might be the solution that makes everybody happy. At this point, I'm ok dropping it." **NO ACTION**

OLD BUSINESS:

-last meeting: Camp Bow Wow hoped to go into former Milbar property; Ondrey reviewed it & gave his recommendation to Hocevar that he didn't believe it was a permitted use. Applicant was informed of decision. Ondrey was contacted by her attorney. She hasn't filed an appeal of Hocevar's denial. She has the option to go to ZBA. Ondrey, "If David denies it, she only has probably 30 days to appeal to the ZBA." Hocevar, "Today is 30 days." Ondrey, "If she came back in with the exact same plan, he would deny it again. I'd have to think it through whether she could appeal it again at that stage."

NEW BUSINESS:

Status of Panini, 540 East Washington St. The drawings will be in Hocevar's office tomorrow morning. PC noticed that the property/landscaping has been cleaned up.

-use of Milbar property, 530 East Washington St.: Ondrey, "Looking at that issue, (Bow Wow) it dawns on me that we have a building in an industrial/business zone. You could argue that it has limited permitted uses. We've got a variety of things going in there. We probably had to liberally interpret our zoning to get them in there. Maybe it's time to take a look at & recognize that there are no machine tool factories that are coming into that area. Maybe we want to expand permitted uses for that district so that these buildings can be reused productively, commercially. We talked about, we allow retail & personal service, but there is some confusion about how far does a personal service go. It might be something to get on your radar screen for the coming months."

The next meeting is set for October 15, 2009 at 7:30 p.m. Ondrey not able to attend. Someone from his office would attend. NOTE: If there is nothing on the agenda except Ondrey's feedback about banners/pennants, there will be no meeting in October & PC will meet in November on its regularly scheduled day & time; the second Thursday of the month at 7:30 p.m. November 12, 2009 at 7:30 p.m.

There was no further business. The meeting adjourned at 8:30 p.m.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

P.C. - from D. Hocevar 9-10-09

ORDINANCE NO: 2004-

INTRODUCED BY:

FIRST READING
SECOND READING
THIRD READING

ORDINANCE AMENDING PARAGRAPH 2(e) OF SECTION 6.06 OF THE ZONING CODE CONCERNING TEMPORARY SIGNS IN INDUSTRUAL DISTRICTS.

WHEREAS, the Planning Commission for the Village of South Russell has reviewed the Village's Zoning Regulations relative to temporary signage; and

WHEREAS, on August 19, 2004, the Planning Commission recommended that Paragraph 2(e) of Section 6.06 of the Zoning Code be amended.

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

SECTION 1. Paragraph 2(e) of Section 6.06 of the Zoning Code shall be amended to read as follows:

> Temporary Signs: A business shall be permitted for a maximum of thirty (30) days, one (1) temporary sign on the outside of buildings and in the yards where such signs are permitted in order to announce a sale, new product, or other special business event or promotion, but no more than three (3) times per calendar year, with a minimum of thirty (30) days of separation between each temporary sign. Such temporary sign shall be in addition to the business's permanent business signs, provided such temporary sign does not exceed fourteen (14) square feet in area; two (2) sides are permitted. The purpose of this provision is to discourage the practice of temporary signage being used on a quasi-permanent basis and to limit the privilege of a temporary sign to its intended relatively brief period of time.

SECTION 2. The current Paragraph 2(e) of Section 6.06, the full text of which follows, is hereby repealed:

> Temporary Signs: Signs announcing special business events shall be permitted on the outside of buildings and in the yards where other signs are permitted, to a maximum of 60 days, in addition to permanent business signs, provided said signs do not exceed 20% of the building frontage area. Banners, flood lights, mobile spot lights and other such displays shall not be permitted.

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.

c. Development Signs: Temporary signs announcing a proposed structure or advertising the sale, rental or lease of a structure or use shall be located on the lot occupied by the structure or use advertised and shall not exceed 20 square feet in total area for each street frontage.

d. Directional Signs: Permanent signs indicating traffic routes or similar features, shall be permitted in addition to the above limitations, provided such signs do not exceed four (4) square feet in total area.

e. Temporary Signs: 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. Banners, ~~flood lights~~, mobile spot lights and other such displays shall not be permitted. (Ord. 2001-19).

3. Location: Unless otherwise provided, signs shall be located on a lot according to the chart set out in Section 5.02 above and the following regulations:

a. General Location: Signs shall not project over or obstruct required windows or door of a structure, or be attached to or obstruct a fire escape or interfere with other safety provisions. In no case shall signs be located in a manner which might obstruct street sight lines or traffic.

b. Wall Signs: No projection shall be more than 18 inches in front of the wall or project beyond any building corner. Signs shall not extend above the height of a structure or 15 feet above the finished grade, whichever is less.

c. Projecting Signs: No more than one (1) such sign for each establishment or store unit shall be permitted. Such signs shall be attached to the wall and shall project at an angle of 90 degrees therefrom. No sign shall project over a public right-of-way, nor shall it extend above the height of the structure to which it is attached or 15 feet, whichever is less. No face of a projecting sign shall be less than 25 feet from a side lot line or party wall of another store unit.

d. Pole Signs: Pole signs shall not be permitted.

e. Ground Signs: *

(1) Location. No ground sign shall be nearer than 25 feet from the curb line or improved margin of any street. No ground sign shall be permitted on or over any public sidewalk, street or other public property.

(2) Size Limitation. The square footage of ground signs that shall be permitted shall be as follows:

ATTENTION
SOUTH RUSSELL
VILLAGE RESIDENTS

The South Russell Village Planning Commission is holding a public hearing on Thursday, September 10, 2009 at 7:30 p.m. at Village Hall, 5205 Chillicothe Road, regarding possible zoning code changes pertaining to the construction of backyard fences. The Planning Commission would like to hear resident feedback.

KT090309

CVT 9-3-09

STATE OF OHIO
CUYAHOGA COUNTY, SS
GEAUGA COUNTY, SS

I, Carole Vigliotti, do swear that I am the General Manager of The CHAGRIN VALLEY TIMES & SOLON TIMES newspapers published in said Counties and of general circulation therein, and that the annexed advertisement was published in said newspapers for 1 consecutive weeks, commencing on the 27th day of August 2009 A.D.

Carole Vigliotti
General Manager

The Planning Commission for the Village of South Russell shall hold a public hearing to hear comment on a proposed amendment to the Village's Zoning Code which would (1) prohibit stockade or similar privacy type fencing greater than 3 feet in height in rear yards without prior Planning Commission approval after a public hearing and (2) prohibit chain link fences in residential areas except for certain limited exceptions. A full copy of the proposed amendment concerning fences is available for review at Village Hall.

The public hearing on such amendment shall take place at 7:30 p.m. on September 10, 2009 at Village Hall located at 5205 Chillicothe Road, South Russell, Ohio 44022.

Signed Maggie Tomaro, Secretary
Village Planning Commission

CVT/ST 8/27/09

Sworn to and subscribed to me this 27 day of August 2009 A.D.

Notary Public

KATHLEEN F. KIRSCH
NOTARY PUBLIC, STATE OF OHIO
Recorded in Lorain County
My commission expires May 24, 2012

Fee for Advertising 31.04

ATTENTION SOUTH RUSSELL VILLAGE RESIDENTS

The South Russell Village Planning Commission is holding a public hearing on Thursday, September 10, 2009 at 7:30 p.m. at Village Hall, 5205 Chillicothe Road, regarding possible zoning code changes pertaining to the construction of backyard fences. The Planning Commission would like to hear resident feedback.

KT090909

meeting the conditions of Section A 1.08 of the Contract Documents.

Should any bid be rejected, such check will be returned to the bidder, and should any bid be accepted, such check will be returned upon

1157.10 Of The Planning And Zoning Code Prohibiting Wind Energy Conversion Systems", and Ordinance #2009-24 entitled "An Ordinance Enacting Section 1157.08 Of The Planning And

3:30 P.M. from Tuesday, September 1st through Friday, September18th, 2009.

Benjamin T. Himes
Chief Administrative Officer

be opened and tabulated for the following service.

95 & 65 GALLON UNIVERSAL ROLL OUT CARTS

the Treasurer of the City of Pepper Pike, Ohio until 12:00 noon local time Friday, September 11, 2009 when they will be opened and tabulated for the following two projects for the Fire Department, specifica-

to the attention of Tom Bandiera (440) 248-8969. Questions will be addressed at the pre-bid meeting. The City reserves the right to not respond to questions asked by telephone or voice mail.

By order of the Council of the City

C4

The City reserves the right to reject any and all bids, waive all informalities or irregularities in the bids received and to accept any bid which it deems most favorable to the City.

The City of Solon does not discriminate on the basis of race, color, national origin, sex, religion, age and disabled status in employment or provision of service.

There will be a mandatory pre-bid meeting on Friday, August 28, 2009 in the Engineering Department at 9:00 a.m. local time. Failure to attend the pre-bid meeting will disqualify the Bidder and that bid will not be opened.

By order of the Council of the City of Solon, Ohio.

D. William Weber
Director of Finance
City of Solon
34200 Bainbridge Road
Solon, Ohio 44139

CVT/ST 8/20, 8/27/09

PUBLIC NOTICE

Sealed bids will be received from United States suppliers by the Clerk of the Village of Gates Mills at her office in the Town Hall, 1470 Chagrin

or picking it up at the Town Hall, 1470 Chagrin River Road.

All interested citizens will have the opportunity to submit written and oral comments and ask questions. The participation of senior citizens is especially encouraged. Handicapped persons desiring assistance should call 440-423-4405 and make prior arrangements.

By Order of the Council of the Village of Gates Mills.

Beth DeCapite, Clerk

CVT/ST 8/20, 8/27/09

LEGAL NOTICE

Sealed bids will be received by the undersigned Clerk of Council of the Village of Moreland Hills, Cuyahoga County, Ohio at the Village Hall, 4350 S.O.M. Center Road, Moreland Hills, Ohio 44022, until 12:00 Noon, local time on the 4th day of September 2009 for the following project:

Quail Hollow Valley Pump Station Force Main & Woodland Glen Pump Station Force Main

IN THE VILLAGE OF MORELAND HILLS, OHIO in accordance

Sealed bids will be received by the Treasurer of the City of Pepper Pike, Ohio until 12:00 noon local time Friday, September 11, 2009 when they will be opened and tabulated for the sale from the City of two used 2004 Ford Crown Victoria automobiles and three 2007 Ford Crown Victoria automobiles which may be inspected by prospective bidders on application to the Police Department of the City. Each automobile will be sold separately and each bid must specify by identification number of the automobile for which the bid is made. Identification numbers will be provided upon request to the Police Department of the City.

Each bid must be accompanied by a certified check upon a solvent bank in the State of Ohio in the amount of $50 payable to the City of Pepper Pike as security that, if such bid is accepted, the same will be completed in accordance with said bid. The security deposit shall be returned if the bid is not accepted, or if accepted, when the purchase is completed. The City reserves the right to accept or reject all or any of the bids. All bids must remain firm for 60 days.

By order of the Planning Commission of the City of Pepper

bid specifications can be picked up at the village service department.

Each bid must be accompanied by a certified check or bid bond in the amount of $200.00, payable to the Village of Moreland Hills, as security that if such bid is accepted the same will be completed in accordance with said bid.

The Village of Moreland Hills reserves the right to reject any and all bids. Bidders are further advised that the Village reserves the right to accept or reject all or any portion of bids that do not meet the minimum specification requirements listed in the specification package. The Village also reserves the right to accept the bid that is deemed most favorable for their needs. Additional consideration will be given to bidders that use products manufactured in the State of Ohio. Bid specification packages may be obtained at the Village of Moreland Hills Town Hall, located at 4350 SOM Center Road, Moreland Hills, OH 44022.

No bid may be withdrawn for 90 days after bids have been opened and recorded.

All bids must be clearly marked:

95 & 65 GALLON UNIVERSAL ROLL OUT CARTS

2. Domestic hot water heating system.

Bidders may bid on one or both projects. The bid must specify the project for which the bid is being submitted and if for both project must contain a separate bid for each project. Each bid must be accompanied by a certified check on a solvent bank in the State of Ohio in the amount of $100 payable to the City of Pepper Pike as security that, if such bid is accepted, the same will be completed in accordance with said bid. The security deposit shall be returned if the bid is not accepted, or if accepted, when the project is satisfactorily completed. The City reserves the right to accept or reject all or any of the bids. All bids must remain firm for 60 days.

By order of the Planning Commission of the City of Pepper Pike, Ohio.

Sheila Brett-O'Connor
Clerk of Council
City Hall
28000 Shaker Boulevard
Pepper Pike, Ohio 44124

CVT/ST 8/27, 9/3/09

LEGAL NOTICE

City of Solon
34200 Bainbridge Road
Solon, Ohio 44139

CVT/ST 8/27, 9/3/09

LEGAL NOTICE

The Planning Commission for the Village of South Russell shall hold a public hearing to hear comment on a proposed amendment to the Village's Zoning Code which would (1) prohibit stockade or similar privacy type fencing greater than 3 feet in height in rear yards without prior Planning Commission approval after a public hearing and (2) prohibit chain link fences in residential areas except for certain limited exceptions. A full copy of the proposed amendment concerning fences is available for review at Village Hall.

The public hearing on such amendment shall take place at 7:30 p.m. on September 10, 2009 at Village Hall located at 5205 Chillicothe Road, South Russell, Ohio 44022.

Signed Maggie Tomaro, Secretary
Village Planning Commission

CVT/ST 8/27/09

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

THE SOUTH RUSSELL PLANNING COMMISSION WILL HOLD A PUBLIC HEARING THURSDAY, SEPTEMBER 10, 2009 at 7:30 P.M.

TOPIC: FENCES IN REAR YARDS

TO BE CONSIDERED: ORDINANCE AMENDING SECTION 4.01 (B)(4) "FENCES" IN ORDER TO REGULATE STOCKADE AND OTHER PRIVACY FENCES IN REAR YARDS AND TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS.

A DRAFT OF THE ORDINANCE IS HERE. HELP YOURSELF TO A COPY.

DRAFT

ORDINANCE NO.: 2009-_____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 4.01(B)(4) "FENCES" IIN ORDER TO REGULATE STOCKADE AND OTHER PRIVACY FENCES IN REAR YARDS AND TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS.

WHEREAS, privacy fences more than three feet tall in rear yards in residential areas may be objectionable and detrimental to neighboring properties when such fences exceed reasonable expectations of privacy; and

WHEREAS, chain link fences in rear yards may be aesthetically unappealing and contrary to the Village's semi-rural atmosphere; and

WHEREAS, despite such potential disadvantages and detrimental impacts of both privacy fences and chain link fences, those types of fences are reasonable and appropriate in certain particular situations.

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

SECTION 1: Section 4.01(B)(4) "Fences" of the Zoning Code of the Village of South Russell shall be amended by adding the following new paragraphs:

Chain link fences shall not be permitted except for enclosure of tennis courts, pools, or to contain domestic pets, in which case the pet enclosure shall be visually screened from neighbors through landscaping or other permitted means. Proposed screening must be approved by the Village's Building Commissioner.

No stockade fence or similar privacy type fencing, greater than three feet in height shall be permitted along either the side lot lines behind the residence or the rear lot line, or anywhere else within a rear yard, without Planning Commission approval after a public hearing in accordance with the requirements set forth below. Such approval may only be granted where the applicant demonstrates the proposed privacy fencing shall not be detrimental to adjacent properties and is the minimum necessary to reasonably provide the applicant with privacy. In considering whether or not a proposed privacy fence in excess of three feet in height is detrimental to adjacent properties, the Planning Commission may consider, but shall not be bound by, any objections by neighboring property owners. The Planning Commission may also consider any adverse impact of the proposed fencing on the views, sight-lines, and character of the surrounding neighborhood and may reject any such application where any

DRAFT
DRAFT

DRAFT

such adverse impacts outweigh any reasonable expectations of privacy by the applicant.

A public hearing shall be advertised and noticed for any application for a fence as described in the preceding paragraph in the same manner as set out in Section 3.07(b) of this Zoning Code.

SECTION 2. 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 3. This Ordinance shall take effect at the earliest time allowed by law.

DRAFT

_____
Mayor - President of Council

ATTEST:

DRAFT

_____
Fiscal Officer

I certify that Ordinance No. 2009-_____ was duly enacted on the _____ day of _____, 2009, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

DRAFT

Public Hearing 9-10-09 this one

- PC 8-13-09 - to be used at PH. 9-10-09

ORDINANCE NO.: 2009-_____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____

ORDINANCE AMENDING SECTION 4.01(B)(4) "FENCES" IIN ORDER TO REGULATE STOCKADE AND OTHER PRIVACY FENCES IN REAR YARDS AND TO PROHIBIT CHAIN LINK FENCES WITH CERTAIN EXCEPTIONS.

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this differs from other one

PP 2 (4 tax)

such adverse impacts outweigh any reasonable expectations of privacy by the applicant.

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_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2009-_____ was duly enacted on the _____ day of _____, 2009, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
JANUARY 14, 2010
7:30 P.M.

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

2. MINUTES: 9-10-2009 **approved**

3. AGENDA:

1. Discussion/review current zoning at former Milbar property (530 East Washington St.) **Ondrey will look at tweaking the definition of personal services. PC will continue this discussion at the next meeting**

2. Ondrey: to present definitions distinguishing pennants from banners **Sutliff, "Let's read through these definitions for the next meeting & get Jim's (Flaiz) input next time & get to some conclusion on this."**

3. Ondrey: discussion with PC about wind turbines; should there be ordinances that regulate wind turbines in South Russell?
-handout: letter, 1-8-2010 from Lee Schiemann, 22 Forest Drive. Re: Zoning for Private Energy Generation Devices. Article refers to wind turbines & Gates Mills
prohibited them **Ondrey will contact GM & find out what their proposed legislation was & PC will continue to discuss at next meeting**

4. OLDBUSINESS: **Panini's, 540 E. Washington St. hopes to open by the end of February 2010**

5. NEW BUSINESS: **Next meeting: February 17, 2010 at 7:30 p.m.**

6. ADJOURN: **8:15p.m.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSSION
RECORD OF PROCEEDINGS
JANUARY 14, 2010
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele

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

ABSENT: Ike Tripp, Jim Flaiz, Ned Foley, Engineer

GUESTS: none

Chairman Sutliff called the meeting to order at 7:30 p.m. The minutes from 9-10-2009 were approved.

Discussion/review current zoning at former Milbar property (530 East Washington St.)

-handouts from Ondrey: Pp. 48 of zoning code: Chapter 5 Business Districts,
Pp. 11 (86) Personal Services & a zoning map

Ondrey, "I have a concern that we are operating in a twilight zone here. We've had some uses that were proposed. We liked them & we approved them. They'd be hard to slot into the existing zoning. My concern was highlighted when the woman came in & wanted to put in the dog kennel. (Bow Wow day care) It was unpopular & we turned it down. I've been concerned. What is the distinction? Why are we allowing others & not that particular one? I think we would win that fight because of the nature of that use."

Ondrey handed out a zoning map to everybody. It shows present zoning. Ondrey, "I thought it would be helpful to see what is around it now. Much of the area is a combination of B-1 & I-1. Across the street there is some B-2. Tonight, I thought I'd throw it open for discussion. Would you like to make it wide open to any retail? Would you like to limit it to something less than full retail? Hocevar, "They are all basically retail: yoga, dance studio." DiMichele, "Preschool." Hocevar, "Yeah, it all fits into that category without going industrial. I think Dave's concern is if something goes in the industrial part of it."

Brett, "Do we have the existing language for the industrial zoned area? I recall that it speaks to personal services & it references a few." Brett to Ondrey, "Your challenge was those either didn't fit with our thinking or we may want to give a more structured definition to it, which I think would be wise."

Ondrey, "Does the map say B-1 or B-2 for it?" Hocevar, "B-1 & I-1. They separated it because of the old business that was in there; to get the existing industrial plant that was in there in that area. The main uses for industrial use are: office, research & laboratories."

Ondrey, "For some reason I thought it was B-2 that we were limited by. If you're saying it is B-1, that does permit any kind of retail already plus personal services. The way we define retail, doesn't exactly capture what we've got in there right now." Brett, "Preschool doesn't feel like retail." DiMichele, "It's a personal service."

Ondrey refers to definition of personal services; Pp. 11 (86) 'Services such as beauty & barber shops & interior decorating. Laundries, laundromats, tailoring, pressing…elsewhere. Repair services such as shoe, hat, radio television…products.' Ondrey, "What we're having here is teaching classes. I don't see that as equivalent to personal service." DiMichele, "How did they get in there?" Brett, "That's the issue. Personal services can be taken a whole bunch of…" DiMichele, "I thought the Bow Wow day camp fell into it. If you are going to care for the children, you should be able to care for their dogs." Ondrey, "Right. But what I'm saying is that I'm a little skeptical that the preschool would fall into personal services. It seems to me if those are the kind of uses that we are willing to permit in there, then we ought to define it better."

Sutliff, "A day care center would be permitted in a B-1 area wouldn't it?" Ondrey, "I didn't think so." Sutliff, "What would it fall under? It certainly wouldn't fall under a B-2." Ondrey, "Correct. We need to add something to our definitions of B-1, so that we are clear that these are ok. (Pp. 48, Business Districts) B-1 would allow residential, offices, retail & personal services." Ondrey reads the definition of personal services from Pp.11 (86) (a handout) Ondrey, "It looks to me that personal service meant something that you had worked on for you i.e. fixing your shoes, or they are cutting your hair. To me that is different then what we have going on there."

Ondrey, "Retail, you may think that is broad enough. But that says (Pp.12 of zoning code) it is a, 'sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products & packaged beverages or it is serving & consumption of food & beverages or it's retail sale of drugs, books, gifts, antiques, art goods, flowers… & supplies.' Then it goes on to a lengthy description of what dirty books you are not allowed to sell."

Ondrey, "It seems to me we need to alter those definitions so that something like these teaching classes, these schools, fit within these two current zones. Or we change the zone altogether. Maybe we could allow public or private education which is our definition of schools. We'd need to broaden it to just say, educational institutions. I don't know if yoga, dance classes would fit your normal idea of educational institutions."

DiMichele, "I think those are all personal services. I'm paying somebody for a service to teach me something." Ondrey, "That's not how we define it. If you just had a naked word, a phrase called personal services, you might say yoga is a personal service. But the way we have defined personal services…" DiMichele, "We can say, such as & give examples." Ondrey, "How could you argue that yoga is like giving somebody your drycleaning?" DiMichele, "It's a service. I'm paying the money for something that they are providing to me. They are providing me a lesson." Ondrey, "That's how we've been able to rationalize putting them in there. I don't think that's as clear…" Sutliff, "Might not the easiest thing to do is to expound on the definition of personal services? Say, personal services can also include: educational activities, recreational activities such as dancing, yoga."

Brett, "It feels like we could look at other communities & see how they define personal services. Is that relatively standard in zoning that you define them?" Ondrey, "It is relatively standard that you define them & this is a relatively standard definition. That doesn't mean that we can't broaden it." Brett, "What I would want to be careful about is broaden it based on what we have here tonight. Then have somebody else come in with a personal service that is different. I would have never thought about a ballroom dancing studio plugged into this."

Ondrey, "I think the first element is, do you agree that we need to tweak this?" All agree. Hocevar explains that a B-1 (Milbar property) is less restrictive than a B-2 & there is an acre of B-2 across the street from the former Milbar property. Ondrey, "Did we shoehorn that day care into the B-2?" Hocevar, "It came before PC & they decided it was a personal service." Ondrey, "At least we've been consistent."

Ondrey, "Do you want to make this broad enough that you would allow something like the Bow Wow boutique?" DiMichele, "Or something like a little shop for dog grooming & selling dog accessories." Ondrey, "I definitely see dog grooming as a personal service, but having dogs there, barking all day long is pretty different." Hocevar, "A kennel or dog boarding, can we get that out of our zoning or put it somewhere that is more restrictive? The whole objective to this is to eliminate the Bow Wow place from going in there." Ondrey, "We could specifically prohibit it in any district. Although, every time you do a blanket prohibition, you're running some risk."

Brett, "We've got the vet across the street. (5210-C Chillicothe Rd.) She doesn't board dogs." Hocevar, "Just over night after surgery." Dr. Panhuis (536 East Washington St.) doesn't board animals either. Ondrey, "Veterarian clinics are specifically defined in here. I don't notice that they are specifically allowed. We define them. We just don't say where they are allowed."

Ondrey, "If you would like, I will take a look at tweaking our definition of personal services & see if other communities…" Brett, "Could you read the definition of retail again?" (pp. 12 zoning code) Ondrey, "It is either the 'sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products & packaged beverages.' So, food is considered retail. Also 'serving & consumption of food & beverages.' You

can also sell 'drugs, books, gifts, antiques, art goods, flowers, periodicals, musical instruments & supplies.' No nasty books & 'retail sale of wearing apparel, shoes, sporting & athletic goods. Retail sale of hardware, tools, paint, garden supplies, household appliances & pets.'

Ondrey will look at tweaking the definition of personal services. PC will continue this discussion at the next meeting.

Ondrey: to present definitions distinguishing pennants from banners

-handout from Ondrey: 11 pages with definitions of banners, pennants, streamers from different communities
Ondrey said handout is from Jim Flaiz.

Ondrey, "We discovered in the B-2 district that we no longer have a prohibition on pennants, banners or streamers. There were a few instances - across the street at the gas station (5196 Chillicothe) & at the day care center (5188 Chillicothe) - where they were used. People in the Building Department got them to stop. We want to fill that hole."

Ondrey refers to handout. "Jim found these examples. What I think we need is to include in our definition section, some kind of definition of what we mean by banners, or pennants or streamers. Then we could put a specific prohibition if that is what you want in the B-2 district."

DiMichele, "Under Civic Banner (pp.1, f, #1), what does 'to provide a streetscape feature' mean?" Brett, "That's probably like in University Circle, they'll have banners attached to the light poles that say the clinic area, Severance."

Ondrey, "I wanted to present these to you just as examples of what some other communities mean. I don't know how complicated we want to make this."

Brett, "I'm fuzzy on the context on this. We had unintentionally omitted a line & this was part of the line." Ondrey, "We're not sure if we unintentionally or intentionally omitted. They are omitted. Nobody's gone back to check the PC minutes from 05'when we did those changes. I think we came to that provision & we realized that we didn't have a definition of what a banner & a pennant was. My vague recollection is that we decided to defer it. I will note that in your industrial district, we still prohibit banners. In one instance we caught it & in one instance we didn't."

Brett, "We've got a line that talked about 'banners, floodlights, mobile spot lights & other displays shall not be permitted'. Do we want that in our language? If so, do we want to define what a banner is?" Ondrey, "Yes. And a pennant & a streamer." Hocevar, "I think you ought to leave that banner word out of there & put streamers & pennants in there. You look on the internet & banners are anything from a sign that you put across the road, a temporary sign." Ondrey, "I agree that is something that we have

to discuss. Is banner in or out because as you can tell from the Gahanna one, they have 5 different ways to define banner? We may not want to eliminate all of those. I think the main thing we are worried about is when they hang it up & it looks like a used car dealer lot." Hocevar, "When you look it up on the internet, streamers & pennants, you're going to find out what they define it as, is a good point & put that in there. Then leave it."

Sutliff, "I suggest that we review these. Jim Flaiz spent a lot of time on these. I'd like to get some input from him."

DiMichele, "If someone has a pennant up that says 'Go Ohio State', is it outlawed?" Ondrey, "All we're talking about is the B-2 district. That's where we feel we have the hole right now." Hocevar, "We (unintelligible) put it in the B-1 & B2 districts. We want to keep them in both districts."

Brett, "That's where the definition comes in. If someone takes a string that has triangular items on it, that's what I'm not in favor of. If someone wants to put an Ohio State or Michigan thing, that's ok."

Sutliff, "Let's read through these definitions for the next meeting & get Jim's (Flaiz) input next time & get to some conclusion on this.

Ondrey: discussion with PC about wind turbines; should there be ordinances that regulate wind turbines in South Russell?

-handouts: letter, 1-8-2010 from Lee Schiemann, 22 Forest Drive. Re: Zoning for Private Energy Generation Devices (Chagrin Valley Times 12-10-2009)
-handout from Ondrey: Proposed Wind Energy Conversion System Regulations, 4-9-09. Middlefield is considering this

Ondrey, "What I passed out to you is something I've been working on with the PC in Middlefield. Their engineer came up with the notion that the village needed to think about putting regulations in place to govern small wind turbines. Anything over 5 megawatts is regulated by the Ohio PUCO. We're talking about 5 megawatts & less for this."

Ondrey, "This is a draft. You'll see some handwritten changes on it because he used language from oil & gas well regulations, which is no longer applicable. Middlefield has not yet adopted this, but they are close to it. I wanted you to see what is being considered."

Ondrey, "A couple things to think about are:

- the sound definition. We've been getting feedback in Middlefield that this may not be the best way to test the sound level from a turbine. Some debate still going on. Is there a better standard to apply? Wind turbines do cause a constant humming sound. It's very irritating to some people nearby it. The sound is very important. This is one suggestion that may get adopted by Middlefield. There are 2 or 3 options that they are kicking around.

- Middlefield is prohibiting these towers anywhere, but their industrial districts. They are only going to allow them in non residential zoning districts. That makes sense out there. They have a whole bunch of industrial zoned property & a lot of room to put these things. Some businesses have indicated an interest in putting them in.
- Their homes are a lot denser than in South Russell. Although some of your areas are dense, some aren't. You may want to think about if you'd be ok with a wind turbine that someone might want to put behind their house if they have 5 or 10 acres or whatever minimum standard you would want to put on it. So when you think about the wind turbine issue, think about whether or not you want to permit them in residential districts with a certain amount of land or not.
- I read about the shadows from these things can cause problems for people. The spinning of the wheel can cause nausea, headaches for some people. Again, if you allow them on residential, you'd want to make sure that there was some significant distance from neighboring properties so the neighbor doesn't run into that issue." Birds a problem? Ondrey, "I don't recall reading that wildlife was highlighted as a major concern. It's a legitimate concern. People do make that comment about them. On these smaller ones, it's not as much of an issue."

Sutliff, "On these regulations, it defines, 'rotor diameter shall mean the length as measured across the center of the full spin of the rotors of the SWECS turbine'. (p1, g) That's the definition, but it doesn't appear to have any regulation for it." Ondrey, "You mean what that size is going to be? I think that is probably a function of, if it is only going to be a 5 megawatt capacity, it's going to be relatively small." Sutliff, "Then why bother to define it? They define tower height (p2, i) & under the requirements, (p3, b) they spell out the maximum tower height." Ondrey, "I don't know. That's a good question."

Brett, "As you head down 306, there are 17 acres that are for sale. That could be a spot that somebody might put a wind turbine. If it's positioned in the right spot, I wouldn't be opposed to it. I think what I'm hearing is that my neighbor could put up a wind turbine right now & I might not be very happy about that. To protect our residents, I think it's valid that we look at it." Ondrey, "It's my understanding, that they are making them smaller & smaller. They may become economically attractive to residential users."

PC reviews handout from SR resident Lee Schiemann, 'Re: Zoning for Private Energy Generation Devices.' Ondrey refers to article. "It looks like Gates Mills is not going to allow any wind turbines in the village. Down there, I don't think it's as big of an issue. They are in a valley. I don't know how much effective wind they get. Now that I know that Gates Mills has thought about this, I will contact Steve Byron or Chuck Reel. I can find out what their proposed legislation was."

Brett, "When Dynamic Design on East Washington wanted to put solar panels up, my reaction was, really. You're going to get that much solar in Northeast Ohio. It's been effective."

Hocevar, "You're not going to put a 4 megawatt generator in a residential district. There's no way." Ondrey, "What if it was a 20 acre parcel?" Hocevar, "That's about the only way you're going to be able to do it because you are going to have a span on those blades of about 40 or 50 feet. Four megawatts is not small, not at all. They are putting one up in Newbury now. I don't know if it is a riding academy. The span on that is 50' across, 60' across. It's 140' high."

Brett, "It does raise the question of (p1, first paragraph) 'wind power systems of 5 megawatts in capacity or greater are regulated by PUCO', what does that mean for our zoning?" Ondrey, "If it is regulated by the Ohio Public Utilities Commission (PUCO), we can't do anything. It's out of our hands." Hocevar, "After 5 megawatts, we have to tie into the grid. PUCO is not letting anyone tie into the grid with wind turbines right now."

Ondrey to Hocevar, "If someone today wanted to put one into one of our residential districts, would our height…" Hocevar, "Our height would be able to stop it & the side yard, rear yard." Ondrey, "In some places, towers aren't always the same height problems as a home. You might have a height regulation for a home, but not for towers." Hocevar, "We would consider this an accessory structure. We never defined anything different for towers & stuff. 15 foot maximum on an accessory structure; anything accessory to a residential or commercial building."

Continue to discuss at next meeting

OLD BUSINESS:

-Panini's, 540 E. Washington St. Hocevar said it is moving along & hopes to open by the end of February 2010

NEW BUSINESS: Conflicts with next scheduled meeting. If PC members who are absent tonight are available, the next PC meeting will be held on Wednesday, February 17, 2010 at 7:30 p.m. If they are not available, no meeting in February & PC will meet Thursday March 11, 2010 at 7:30 p.m.

There was no further business. The meeting adjourned at 8:15 p.m.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

(82) Outdoor Sales: Permitted retail sales outside of a structure.

(83) Owners Association: An organization of all owners in a condominium property provided for by Chapter 5311 of the Ohio Revised Code.

(84) Parking Space: An open or enclosed area accessible from a street or access drive for parking the motor vehicles of owners, occupants, employees, customers or tenants of the main structure or use. Each space shall be at least nine feet wide and include at least 180 square feet, excluding drives, curbs and turning space. The number of spaces shall be determined from an accurate plan of the area. Where the computation of required spaces results in a fraction, one additional space shall be provided.

(85) Parks: Public or common land proposed for dedication or permanent assignment as outdoor recreation land.

(86) Personal Services: Services such as beauty and barber shops and interior decorating. Laundries, laundromats, tailoring, pressing and drycleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products.

(87) Pole Sign: "Pole sign" means a sign supported by a pole or poles, which are placed upon the ground and are not a part of any building, the bottom which sign is at least 3 feet above ground or grade level.

(88) Political Sign: A temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within ten (10) days following the election or as otherwise provided by the Ohio Revised Code.

(89) Ponds: Any body of water having a surface of less than one acre.

(90) Private Cluster Residential Development: A development at least fifty acres in size of single family detached dwellings located on private sublots known as Envelopes, generally clustered on private spur roads, or located adjacent to common areas abutting public streets with the balance of the development held for the benefit of all Envelope owners in common land, which may be developed in the district zoned R-2, Residential, Multi-family. (Added by Ord. No. 1992-8, passed 02-24-92)

(91) Private Garages: Enclosed structures attached or detached to the main use used exclusively for the storage of automobiles owned by the occupants of the main use.

(92) Private Land: Land which is attached and permanently assigned to a privately-owned structure or use, including common land.

(93) Private Pool: A swimming pool maintained for the sole use of a household and guests without charge for admission and located as an accessory use to a dwelling.

#1 agenda item on
PC 1-14-2010
current zoning at former Mill Bar
B-1+I1

CHAPTER 5

BUSINESS DISTRICTS

5.00 INTENT - Business districts and their regulations are herein established to achieve among others, the following purposes:

(a) To provide for the following district in appropriate locations and of sufficient size for the exchange of goods and services and other business activities to serve neighborhood needs for retail goods and services which do not attract large volumes of traffic.

(b) To protect adjacent residential uses by controlling the use, spacing, intensity, height and architectural design of structures and the overall development of business sites.

(c) To promote the most desirable land use and traffic patterns. (Ord. 2001-19).

(d) To create a Limited Office District (B-4) in areas presently zoned residential which are in between zoned and developed business districts and zoned and developed residential districts, to provide a buffer zone between the two districts and to allow for business uses giving the impression of residential use and eliminating the hazards, inconvenience, and possibility of property value detraction ordinarily attendant to mixtures of business and residential uses in semi-rural settings.

5.01 USE REGULATIONS - In business districts, structures and land shall be used, and structures shall be erected, altered or moved in whole or in part, only according to the following regulations:

DISTRICT	MAIN PERMITTED USE	ACCESSORY USE	CONDITIONAL USE
B-1	Residential (R-1-A) Offices Retail Personal Serv.	Structures, Outdoor Sales, Parking, Loading Signs	Residential, Gas Stations, Restaurant, Commercial Amusements, Automotive Sales, Mortuaries, Wireless Telecommunications Facility (Ord. 1997-29)
B-2	Residential (R-1-A) Offices Personal Serv.	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29) Bed and Breakfast (Ord. 2001-19)
B-3	Residential (R-1-A) Medical Services	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29)

#1 agenda item on PC 1-14-2010 ~~2009~~ - current zoning at former Milan prop. 530 E. Washington St B-1 & T-1

banner Ondy PC 1-14-2010

GAHANNA #2 of agenda pennants/banners

1165.03 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively described to them by this chapter, if not defined herein, or within other chapters of the City Code, terms used in this chapter shall have the meanings provided in Section 1123.01.

(a) Abandoned Sign. A sign which is discontinued for a period of ninety consecutive days. It shall be prima facie evidence of the intent of the owner to discontinue any further interest in a sign after a cessation of all use of the sign or removal of the face or supportive structure of the sign for the required period.

(b) Aesthetics. A term dealing with form, design, and/or quality of construction of a particular sign, building, site or structure that presents a subjective statement concerning the level of beauty or artistic value.

(c) Animated Sign. Any attention-diverting apparatus, equipment or devices in a sign that uses movement or change of lighting to depict action or create a special effect or scene. Animated signs shall include: blinking, coursing, flashing, moving, racer-type, rotating, revolving, spinning, and other similar types of apparatus, equipment or devices. (See "electronic message" and "flashing" signs.)

(d) Awning. A permanent roof-like cover, often of fabric, metal or glass which projects from a wall or roof of a structure over a window, walk, door or the like and is designed and intended for protection from the weather or as a decorative embellishment. Also called a canopy when the projection extends more than three feet from the face of the building.

(e) Awning Sign. A sign located on an awning.

(f) Banner Sign. Any sign with or without characters, letters, illustrations or ornamentations applied to cloth, paper, flexible plastic, or lightweight fabric or similar non-rigid material of any kind with only such material for backing that is mounted to a pole, staff, or a building by a string, rope, wire, or frame at one or more edges. All banners are temporary signs.

(1) Civic Banner. A banner sign attached to lampposts in business districts to provide a streetscape feature.

(2) Pennant Banner: A banner sign, usually mounted in a series.

(3) Promotional Banner: A banner sign that is mounted to poles or a building.

(4) Street Banner. A banner extending across a public right-of-way.

(5) Flying Banner; Feather Banner; Attention Flag. A sign made of lightweight, non-rigid material typically supported by one pole, with or without graphics, intended to attract instant attention. These signs are generally teardrop, rectangular, or pennant shaped.

(g) Bench Sign. A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

(h) Building Frontage. The horizontal linear dimension designed as the primary facade of that side of the building.

(i) Building Identification Sign. A wall sign bearing the address of the premises, but containing no commercial message.

(j) Building Historical Marker Sign. Any sign composed of letters, words, or insignia cut into a masonry surface or made of bronze or other permanent material permanently mounted to a building to convey a memorial, the name of a building, address, date of construction, or incidental information.

(k) Building Sign. Includes any wall sign, window sign, awning sign, canopy sign, or projecting sign. Building signs do not include roof signs.

(l) Canopy. A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which may be wholly supported by a building or partially supported by columns, poles, or braces extending from the ground. Any roof overhang extending more than three feet from the face of a building shall be considered a canopy. Also called an awning when the projection from the face of a building is three feet or less.

(m) Canopy Sign. Any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

(n) Changeable Copy Sign. Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

(o) Commemorative Sign. A sign, tablet, or plaque commemorating or memorializing a person, event, structure or site. This chapter shall not regulate these signs.

(p) Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names,

advertises or calls attention to a business, product, service or other commercial activity. Signs which advertise that patrons are "welcome" or that display "help wanted", "for rent", "for sale" and similar messages shall be deemed commercial messages.

(q) Construction Sign. A sign bearing the names of contractors, architects, engineers and the like, or advertising, promotions, price ranges and similar information, that is placed at a construction site that has received development plan approval.

(r) Deteriorated Sign. A sign which has outlived the useful life span of its construction materials and which is likely to lead to production of litter or other aesthetic problems if continued to be posted, as determined by the Chief Building Official.

(s) Development Identification Sign. A permanent sign identifying an entrance to a residential subdivision, residential complex, institutional use, commercial shopping area, industrial park, business park or other similar use.

(t) Directional Sign. An on-premises freestanding or building sign that includes information secondary to the use of the site on which it is located to assist in the flow and safety of vehicular or pedestrian traffic, such as: "enter" and "exit", "one-way", "reserved parking spaces", "handicapped parking spaces", "no parking", "loading only", "telephone", "entrance", "no trespassing", "caution", "beware of dog" and similar information and directives.

(u) Electronic Message Sign. A sign with a fixed or changing display or message, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic process.

(v) Externally Illuminated Sign. A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

(w) Flag. A fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a recognized government or political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other similar entity.

(x) Flashing Sign. A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

(y) Freestanding Sign. A sign that is attached to, erected on, or supported by some structure, such as a post, mast, or frame that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

(z) Ground Sign. A freestanding detached sign whose support structure is imbedded in the ground.

(aa) Hazardous Sign. Any sign or sign support structure that is structurally or electrically unsafe, as determined by the Chief Building Official.

(bb) Illuminated Sign. A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign, or directed towards the sign.

(cc) Incidental Sign. An on-premises freestanding or building sign that includes information secondary to the use of the site on which it is located, such as "credit cards accepted", official notices required by law, trade affiliations, "no solicitation", security alarm warnings, emergency phone numbers, and other similar directives. No sign with a commercial message shall be considered incidental.

(dd) Internally Illuminated Sign. A sign whose light source is located either in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

(ee) Landscaping. Bringing the soil surface to a smooth finished grade, installing plant material and other natural materials to produce a pleasing visual effect of the premises.

(ff) Logo. The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations.

(gg) Marquee Sign. A sign designed to have changeable copy which is attached to a roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public right of way.

(hh) Master Sign Plan. A plan that establishes a common theme or design, uses, similar construction methods and compatible colors, scale and size, in accordance to Section 1165.09 (Design, Construction and Maintenance).

(ii) Menu Board Sign.

(1) Temporary: A two-sided, erasable-style, portable, freestanding sign displayed only during the hours of operation providing a bill of fare associated with indoor or outdoor dining.

(2) Permanent: A ground-mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

(jj) Mobile Sign. A sign attached to, mounted to, pasted, painted or drawn on any vehicle, whether motorized or pulled, that is placed, parked or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

(kk) Monument Sign. A ground sign with low overall height and the base of the sign structure on the ground. See Freestanding Sign.

(ll) Neon Sign. A sign containing glass tube lighting in which gas and phosphorus are used in combination to create a colored light.

(mm) Nonconforming Sign. A sign lawfully erected and maintained prior to the effective date of this section that does not conform with the requirements of this chapter.

(nn) Off-premises Sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the lot or premises on which the sign is located.

(oo) On-premises Sign. Any sign which relates to or directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises where the sign is installed and maintained.

(pp) Permanent Sign. A sign affixed to a structure or embedded in the ground whose principal supporting structure is intended, by design and construction, to be used on a permanent basis.

(qq) Pole Sign. A permanent freestanding sign that is mounted on one or more poles or other support so that the bottom edge of the sign face is six feet or more above the grade.

(rr) Portable Sign. A temporary sign not permanently attached to the ground or other permanent structure which is designed to be easily moved from one location to another. Portable signs include, but are not limited to, signs made as A-frames or T-frames, a sign designed to be transported on wheels, or balloons or umbrellas used as signs.

(ss) Projecting Sign. Any permanent building sign attached perpendicular to a building wall and extending laterally more than twelve inches but not more than forty-eight inches from the face of such wall.

(tt) Public Information Sign. Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local government authorities.

(uu) Reader Board Sign. See Changeable copy sign.

(vv) Right-of-way (ROW). A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

(ww) Roof Sign. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

(xx) Sight Triangle. The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

(yy) Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind.

(zz) Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

(aaa) Sign Copy. Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

(bbb) Sign Erector. Any person or entity engaged in the business of erecting, constructing, altering, maintaining, repairing or removing signs.

(ccc) Sign Face. The area of a sign on which the copy is placed.

(ddd) Sign Height. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

(eee) Street Frontage. The distance along which a property line of a lot adjoins a public or private street.

(fff) Structural Alteration. Any action that changes the height, size or shape of a sign and any action that affects the

structural supports of a sign.

(ggg) Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

(hhh) Temporary Sign. A sign that is not permanently affixed to a structure, or permanently embedded in the ground, and is designed to be displayed for a short period of time.

(iii) Wall Sign. Any building sign painted on, attached flush against, or extending not more than twelve inches from an exterior wall in a parallel manner.

(jjj) Window Sign. A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window for the purpose or effect of identifying any premises from the sidewalk or street; or a temporary sign advertising special sales, events, or products.

(Ord. 0212-2007. Passed 10-1-07.)

1187.02 DEFINITIONS.

(a) "Sign" means any name, identification, description, illustration, symbol, statue or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location. For the purpose of removal, signs shall also include all sign structures. The entire translucent area of an internally illuminated or backlit awning, canopy or other exterior area of a building or an attachment to the building which is located outside of the enclosed building and is visible from any public street shall be included as a sign, whether or not it has lettering or other symbols or illustrations thereon.

The word "sign" does not include: a flag, pennant, insignia or temporary signs of any nation, state, city or other political unit, or of any educational, charitable, philanthropic, civic, professional, religious organizations or like campaign, drive, movement or event; commmemorative plaques approved by Council; any name plate sign in residential areas or any board, sign or surface used to display any official notices issued or posted by any court or public officer in the performance of a public duty; window displays; signs within a stadium, shopping center, residential complex, arena or other use, which cannot be viewed from any public streets; any signs for control of traffic and other regulatory purposes, governmental identification signs, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of public safety. All signs excluded herein shall meet any applicable building or structural requirements.

The following are types of signs:

(1) "Advertising signs" means billboard as defined herein.

(2) "Banner" means a piece of cloth, canvas, plastic sheet or other pliable material.

(3) "Billboard" means any sign painted on or affixed to any structure or erected as a freestanding sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition shall not include subdivision tract directional signs but does include poster panels.

(4) "Business sign" means a sign which directs attention to a business commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed or which displays the identifying name and address of a future comparable business or industrial establishment.

(5) "Bulletin board" means a structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein or at some other place.

(6) "Cabinet sign" means a temporary/movable sign constructed with sign faces designed to install movable letters or characters and the sign faces are held by a frame. Cabinet signs include both illuminated or non- illuminated signs.

(7) "Canopy, awning or marquee" means a sign that is mounted on or painted on or attached to a canopy, awning or marquee.

(8) "Captive balloons" means an envelope of spherical or similar shaped gas proof fabric distended by the pressure of gas or air held internally.

(9) "Company logo flag" means a piece of cloth or canvas attached to a flagpole and used to designate a company logo.

(10) "Construction" means a sign indicating the names of architects, engineers, contractors, owners and similar persons involved in the design and construction of a structure or project.

(11) "Directional" means a sign without advertising, directing vehicular or pedestrian movement onto a premises.

(12) "Electronic message display sign" means a sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means, including graphics and/or video. This definition includes light emitting diode (LED) screens. These signs must be capable of utilizing at least three colors per pixel with color capability in excess of 32,000 colors.

(13) "Flashing" means a sign which contains or is illuminated by lights which are intermittently on and off, scintillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as by rotating a light source.

(14) "Freestanding" means a sign suspended or supported by one or more uprights, braces, poles or other similar structural components when utilizing earth, rock, the ground or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.

(15) "Gateway" means a sign placed by the City on a thoroughfare within 1000 feet of the City limits noting the City boundary.

(16) "Good condition" means a sign that is maintained so as to be readable, structurally sound, mechanically working as it was designed, with no chipping, fading or other maladies and having an overall appearance similar to the original state.

(17) "Ground" means a sign placed upon a foundation, or a slab or placed upon or attached to an ornamental wall and not supported by any uprights, braces, poles or other similar structural components taller than three feet.

(18) "Illuminated" means a sign that is lighted by an artificial light source.

(19) "Moving" means any sign which in part or total, rotates, revolves, oscillates, tilts or otherwise is in motion at any time. This includes, indexing, multiprism units, whose speed exceeds one complete revolution in less than twenty seconds.

(20) "Nonconforming" means a sign which has been issued a valid permit at the time it was erected but does not now accord or comply with the requirements of this chapter and was made nonconforming by annexations, rezoning or ordinance amendment.

(21) "On-site or accessory" means business sign as defined herein.

(22) "Pennant" means a long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material.

(23) "Portable" means any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the Building Code of the City or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. This definition includes searchlights, but excludes banners, pennants, streamers, captive balloons and company logo flags.

(24) "Poster panel" means an advertising structure on which posters are displayed. See Billboard.

(25) "Projecting" means a sign suspended from or supported by a building, structure or building column and extending horizontally therefrom, more than fifteen inches.

(26) "Property improvement sign" means a sign as defined in Section 1187.05(i).

(27) "Real estate" means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

(28) "Roof" means any sign which is erected over the roof or parapet above the roof line and/or receives any or all of its support from the roof structure.

(29) "Special event sign" means a portable sign which is not internally lit or capable of being internally lit and does not exceed twenty-four square feet.

(30) "Streamer" means a series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material attached to a line such as a rope or wire. This definition includes tinsel.

(31) "Temporary" means a banner, pennant, paper or cardboard sign, streamer, portable sign, or captive balloon which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business.

(32) ""Variable message reader board" means a permanent sign which is displayed in a series of monochromatic lights that can be changed electronically by remote or automatic means. No message, graphic, display or part thereof shall be visible for less than seven (7) seconds. The entire message shall be text only and shall not be traveling, scrolling, flashing, scintillating, animating or changing in color or light intensity or visibly changing in any other manner for the minimum seven (7) second interval.

(33) "Wall" means a sign which is affixed, painted on or attached to the wall of the building or other wall or structure and which extends not more than fifteen inches from the face of the fence or wall.

(34) "Warning" means any sign indicating danger or a situation which is potentially dangerous.

(35) "Window" means any sign printed, painted on, attached, glued or otherwise affixed to the interior side of a window and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use.

(b) "Building frontage" means that building side or sides which face upon a public street or parking area between such building and the street where access to the building is provided from such frontage. If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building measured parallel to the public street or parking area upon which the building fronts.

(c) "Parcel of property or parcel" means any separate parcel of property as shown on the latest available County Tax Map, provided that when structures on separate parcels are abutting and/or have common walls, such parcels shall be considered as one parcel of property and provided further that where one tenant, business or enterprise occupies two or more contiguous parcels, it shall be considered as one parcel of property.

(d) "Principal street" means that single public street which provides the most access and/or predominent business exposure for a particular business.

(e) "Shopping center" means a group of at least three businesses which function as an integral unit on a single parcel or on contiguous parcels under the same ownership and which utilizes common off-street parking and access.

(f) "Sign area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, internally illuminated signs as defined in Section 1187.02(a) or any other figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a double faced sign, where both faces are on opposite sides of a single flat surface, the area formula shall apply to the dimensions of one side only. The area of a sign having more than two display surfaces shall be computed as the total of the exposed exterior display surface areas. In the event a sign is of irregular shape, calculations of sign area shall be made by superimposing a single imaginary regular geometric figure: square, rectangle, triangle, trapezoid, circle or ellipse, large enough to enclose the entire sign, over the sign and measuring the appropriate dimensions and making the necessary calculations. The necessary supports or uprights on which such sign is placed, not being advertising matter shall not be included in computation of surface area.

(g) "Sign face" means the surface of the sign upon, against or through which the message of the sign is exhibited.

(h) "Sign height" shall be measured from the lowest horizontal surface grade immediately within ten feet of the base of the sign to the top of its highest element, including any structure element.

(i) "Sign structure" shall be the supports, uprights, bracing, poles or framework for signs.

(j) "Street frontage" means the linear frontage of a parcel of property abutting the principal street.
(Ord. 47-08. Passed 4-28-08.)

1181.02 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meanings herein.

(a) "Awning" means a hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting building.

(b) "Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. National flags, state or municipal flags shall not be considered banners. The official flag of any institution or business shall not be considered a banner.

(c) "Billboard" means an off-premise outdoor ground sign exceeding 60 square feet in area.

(d) "Canopy" means a projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

(e) "Changeable copy sign (manual)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a readerboard with changeable letters.

(f) "Changeable copy sign (mechanical or electronic)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.

(g) "Clear Sight Triangle" means the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines and extending vertically from a height of three (3) feet above grade to ten (10) feet above grade.

(h) "Flag" means any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.

(i) "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

(j) "Ground sign" means a free standing detached sign whose support structure is imbedded in the ground.

(k) "Joint identification sign" means a sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.

(l) "Informational window sign" means window signage with a total area of two (2) square feet or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card, etc.).

(m) "Marquee" means a canopy that provides additional loading for graphics.

(n) "Menu board" means a permanently mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

(o) "Moving sign" means any sign, all or any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.

(p) "Pennant" means a triangular shaped banner.

(q) "Permanent residential subdivision identification signage" means those signage features specifically relating to the denotation of a major entrance or entrances to a residential subdivision.

(r) "Permanent sign" means a sign intended to be erected and used or in fact which is used for a time period in excess of one year.

(s) "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

(t) "Projecting nameplate" means a sign indicating only the name and/or address of an occupant which extends outward perpendicular to the building face.

(u) "Private traffic and on site directional signs" means a temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.

(v) "Roof line" means the lowest point of a roof which is closest to the ground.

(w) "Roof sign" means a sign erected upon the roof of a building, any portion of which is above the roof line of the

building.

(w1) "Sandwich Board Sign" means any sign temporarily placed in the right-of-way of the zoned lot or on the land between the building and the right-of-way as a freestanding sign, which may include chalk and dry erase boards, also known as "A" or "T" frame signs.

(x) "Sign" means a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. The word "sign(s)" as used throughout this chapter means sign(s) that are externally visible from adjacent properties or streets. Signage that is placed internally within a structure or building that is not externally visible shall be excluded from sign regulations.

(y) "Streamer" means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.

(z) "Temporary sign" means a sign intended to be used and in fact used for a time period of one year or less.

(aa) "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.

(bb) "Window sign" means a sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two (2) feet of the window and intended to be viewed through the window from the exterior of the premises.

(Ord. 2006-13. Passed 5-1-06.)

1161.03 DEFINITIONS.

The following shall serve as definitions as they are referred to within this chapter:

(a) Architectural feature means any construction attending to, but not an integral part of, the sign, which may consist of landscape, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures related to the intended message of the sign.

(b) Billboard or Off-premise Sign means any sign structure advertising an establishment, merchandise, event, service, or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located.

(c) Building Wall means any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated. Examples of building walls include, but are not limited to: awnings, canopies, marquees, vertical portions of gable roofs, parapets, mechanical penthouses, etc.

(d) Flag means any fabric, banner or bunting used as a symbol of government, political subdivision, corporate or commercial entity, or institution, or used to convey any message, or otherwise used in a manner consistent with the definition of a sign.

(e) Parcel means the area of land necessary for a use to be in compliance with the Village of Orange Zoning Code. The terms "lot" or "tract" may also be referring to a parcel, set of consolidated parcels or a portion of a parcel.

(f) Sign means any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or announce or promote, an object, product, place, activity, person, ideology, institution, organization, business or the like, by means of letters, words, models, banners, flags, pennants, insignia, devices, designs, colors, symbols, fixtures, images, illuminations or representations used as, or which is in the nature of, an announcement, direction, advertisement or other message.

(g) Abandoned Sign means any sign that no longer identifies or advertises a bona fide business, institution, organization, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

(h) Address Sign means any building sign or freestanding sign of no more than two (2) square feet indicating only the street number of the building or use.

(i) Animated Sign means any sign that uses flashing lights or movement of the entire sign or portion thereof to depict action or create a special effect or scene.

(j) Awning or Canopy Sign means any building sign that is painted on, or otherwise attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.

(k) Banner Sign means any sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

(l) Building Sign means any sign attached to any part of a building including wall, awning, canopy and projecting signs.

(m) Canopy Sign see Awning Sign.

(n) Changeable Copy Sign means any portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be periodically modified, manually, mechanically or electronically, such as a bulletin board or electronic message center. Changeable copy signs shall not be used to display commercial messages relating to products or services that are not offered on the premises.

(o) Construction Sign means any temporary sign relating to a project or facility, or relating to its construction, during the time of its construction. Such signs typically include the name of an architect, engineer and/or contractor for a building.

(p) Entrance or Exit Sign means any sign situated so as to promote safe traffic circulation by indicating appropriate places of ingress and egress.

(q) Sign Face means the space or surface of a sign intended to contain the message.

(r) Flashing Sign means any sign that contains an intermittent or sequential flashing light source used primarily to attract attention.

(s) Freestanding Sign means any sign supported from the ground and not attached to any building. A freestanding sign may be supported by a single pole, two poles, a pylon or a solid base.
(Ord. 2005-4. Passed 6-8-05.)

(t) Sign Height is measured from the approved finished grade of the location of the sign.
(Ord. 2007-17. Passed 8-8-07.)

(u) Illuminated Sign means any sign incorporating an internal or external artificial light source for the purpose of illuminating the message of the sign.

(v) Inflatable Sign means any inflatable shape or figure designed or used to attract attention to a business location or event.

(w) Instructional Sign means any sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including signage erected by a public authority, utility, public service organization, or private industry that is intended to control traffic circulation, direct or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

(x) Marquee Sign means any sign, other than a projecting sign or an awning/canopy sign, attached to a structure and projecting from a building wall above an entrance and extending over a street, sidewalk, or part thereof.

(y) Off-Premise Sign – see Billboard.

(z) Permanent Sign means any sign that does not satisfy the definition of a temporary sign.

(aa) Portable Sign means any sign that is designed to be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached. A portable sign also includes mobile signs such as parked vehicles or trailers, when such vehicles are visible from the public right-of-way unless such vehicle is regularly used in the normal daily operations of the attendant business, organization or institution.

(bb) Projecting Sign means any sign that is attached to a building wall and that extends away from (i.e., is not parallel to) the building wall or any sign suspended beneath a canopy, ceiling, roof, or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof, or marquee.

(cc) Roof Sign means any sign, or portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.

(dd) Temporary Sign means any sign that is designed, constructed and erected or installed for the purpose of being displayed only temporarily and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Temporary signs may be displayed as window signs.

(ee) Wall Sign means a building sign that is painted on, or attached to, a building wall, with the exposed sign face in a plane parallel to the plane of the wall, that does not extend more than twelve (12) inches there from, and that does not project above the roofline or beyond the corner of the building.

(ff) Window Sign means any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building. This term does not include signs that are in the building more than three (3) feet from the window if the sign is either not legible or not intended to be viewed from outside the building.

(gg) Signable Area means that portion of a structure that can accommodate a sign.

(hh) Site Feature means any construction attendant to but not an integral part of the sign (such as walls, fences, sculptures) that enhance the development, do not include lettering, logos or pictures and could reasonably be constructed independently and without any relationship to signs.

(Ord. 2005-4. Passed 6-8-05.)

#3 on agenda. PC. 1-14-2010

Mayor Brett,
SRV Planning Commission

8 January 2010

Re: Zoning for Private Energy Generation Devices

As energy costs continue to rise, the incentive for private citizens or businesses to build / install their own small generating systems also increases. Return on invested capital becomes more attractive with each passing year. Federal stimulus dollars could further boost the building of personal alternative energy devices. All of this is good, no, it's excellent, --- providing that the construction of these systems is properly planned and executed. Placement of the power generating device is critical as most are not attractive.

Gates Mills Village has developed a plan for their community that allows for certain alternative power generation devices (solar panels) to be installed such that they are not visible to passing traffic (refer to clipping below). It would seem that such zoning protects both property values and tax revenues. I encourage you to consider this type of zoning for the protection of South Russell and its homeowners.

Lee Schiemann
22 Forest Drive

The Times Dec 10, 2009

Solar panels, wind energy ready for village's vote

By SALI McSHERRY

Gates Mills Village Council was prepared last night (Dec. 9) to vote on two ordinances relating to solar panels and wind-energy-conversion systems. Currently, the zoning code does not address either issue.

Informally, council members agreed that solar photovoltaic panels, which the village noted have become prevalent for converting solar energy into electricity, would be allowed as an accessory use under certain conditions.

Council indicated that it would prohibit wind-energy-conversion systems, which would include wind turbines, saying established land-use patterns in the village would best be served that way. Both ordinances were on the third and final reading.

Council members said they would like to strike a balance between the use of solar panels and their placement so as to preserve the aesthetics and property values, according to the proposed legislation. An application for a solar panel would have to be reviewed by the architectural and historic board of review. Panels would not be permitted on the roof slope facing the front lot line and would not be allowed to extend above the highest point of the existing roof.

Solar panels attached to an accessory structure could be placed only in a rear yard. An exemption to the review would be any solar panel attached on a roof or wall of a building that would not project more than 6 inches from the surface, except in the historic district.

PC 1-14-2010

(1-14-2010)
from Oney
Wind Turbines
#3 on agenda
- Middlefield is currently considering
- Industrial only -

Proposed Small Wind Energy Conversion System Regulations
April 9, 2009

Small Wind Energy Conversion Systems.

Small wind energy conversion systems (SWECS) less than 5 megawatts in capacity shall be permitted, with an approved Zoning Certificate, subject to all requirements as provided herein. Wind power systems 5 megawatts in capacity or greater are regulated by the Ohio Public Utilities Commission (PUCO).

Definitions

(a) A-Weighted Sound Level (dbA). A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band.

(b) Decibel (db). The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted).

(c) FAA shall mean the Federal Aviation Administration of the United States Department of Transportation.

(d) Guy Cable shall mean any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.

(e) Meteorological Tower shall mean a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological Towers shall not be allowed for time periods in excess of six months, and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.

(f) Rated Nameplate Capacity shall mean the maximum rated output of electric power production equipment for a small wind energy conversion system. This output is typically specified by the manufactured with a "nameplate" on the equipment.

(g) Rotor Diameter shall mean the length as measured across the center of the full spin of the rotors of a SWECS turbine.

(h) Small Wind Energy Conversion System (SWECS) shall mean a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for on site use, may be utilized by the utility company.

(i) Tower Height. The tower height of a small wind energy conversion system is the total height above finished grade of the fixed portion of the tower, excluding the wind turbine blades.

(j) Turbine shall mean the parts of a small wind energy conversion system including the blades, generator, and tail.

Permit Required

(a) No person shall install or construct a SWECS within the corporate boundaries of the Village until compliance has been made with all provisions of this Chapter ~~????~~ and all other applicable sections of the Village's regulations, and a conditional zoning permit has been authorized and a permit issued by the Zoning Inspector.

(b) ~~A conditional zoning permit~~ shall be granted for a one year period and shall expire unless actual ~~drilling~~ has commenced within one year of the issuance date.

Permit Application and Fee. install a wind turbine

(a) Any person desiring to drill a well for gas, oil, or other hydrocarbon within the corporate boundaries of the Village shall make application for a conditional zoning certificate to the Planning Commission in accordance with the requirements of Chapter 1165, Conditional Uses.

(b) All requests for permit shall be accompanied by a completed application, all required information, and a $350.00 fee for each wind turbine. No refund of any part of a permit application fee shall be made to an applicant in cases of a denial of a permit by the Village, ~~or to a permit holder in case of a dry hole or for failure to exercise the privilege to drill upon the site covered by the permit.~~

(c) At the time of application, $1,500 shall be deposited with the Village Fiscal Officer for application review costs. Each time a Village incurred cost is charged against this amount, the deposit shall be replenished to the $1,500 level. All such Village costs shall be documented, a permanent record maintained, and a copy sent to the applicant. Upon completion of the review of the application, whether approved or denied, any unused portion of this deposit shall be returned to the applicant.

Location Requirements

As a basis for assuring that SWECS and any associated equipment will be of minimum hazard to and compatible with, surrounding development, the location, evaluation and approval of a proposed ~~well site~~ town and associated production and processing equipment site shall be based upon the following criteria:

(a) A SWECS may be permitted in any non-residential zoning district.

(b) Maximum Tower Height – The maximum tower height shall be one hundred fifty (150) feet, except as imposed by FAA regulations.

(c) Turbine Clearance– No portion of the turbine, including rotor blades, shall extend within twenty feet (20') of the ground. No portion of the turbine may extend over parking areas, driveways or sidewalks.

(d) Minimum Setbacks – Minimum setbacks from all property lines for the SWECS shall be either 100 feet or equal to 1.5 times the overall blade tip height of the SWECS, whichever is greater. No part of the small wind energy conversion system structure, including, but not limited to, guy wire anchors and any necessary ground-mounted conversion equipment, may extend closer than twenty-five (25) feet to the property line. SWECS shall be set back a distance equal to 1.5 times the overall blade tip height of the SWECS from the nearest existing residential or commercial structure.

(e) Sound – Small wind energy conversion systems shall not exceed 60 dbA, measured five (5) feet above ground level at the closest property line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of 58 miles per hour or 50 knots.

(f) Automatic Over-Speed Controls – All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.

(g) Utility Notification – No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(h) Tower color – Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.

(i) Multiple towers – Multiple small wind energy conversion systems are allowed on any site, provided all minimum standards are met and total wattage is less than 5MW.

(j) Lighting – Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.

(k) Climb prevention – Small wind energy conversion systems shall not be climbable up to fifteen (15) feet above the ground surface.

(l) Compliance with other regulations – The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.

(m) Maintenance – Small wind energy conversion systems are subject to the provisions of the Property Maintenance Code and shall be maintained in working order, structurally sound, and with any surface treatments intact.

(n) Abandoned Facilities - Any small wind energy conversion system that is not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned. The Zoning inspector may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within sixty (60) days of receipt of notification by certified mail. If said facility is not either operational or removed after sixty (60) days, the Village may remove the system at the owner's expense.

Mayor Brett,
SRV Planning Commission

8 January 2010

Re: Zoning for Private Energy Generation Devices

As energy costs continue to rise, the incentive for private citizens or businesses to build / install their own small generating systems also increases. Return on invested capital becomes more attractive with each passing year. Federal stimulus dollars could further boost the building of personal alternative energy devices. All of this is good, no, it's excellent, --- providing that the construction of these systems is properly planned and executed. Placement of the power generating device is critical as most are not attractive.

Gates Mills Village has developed a plan for their community that allows for certain alternative power generation devices (solar panels) to be installed such that they are not visible to passing traffic (refer to clipping below). It would seem that such zoning protects both property values and tax revenues. I encourage you to consider this type of zoning for the protection of South Russell and its homeowners.

Lee Schiemann
22 Forest Drive

The Times Dec 10, 2009

Solar panels, wind energy ready for village's vote

By SALI McSHERRY

Gates Mills Village Council was prepared last night (Dec. 9) to vote on two ordinances relating to solar panels and wind-energy-conversion systems. Currently, the zoning code does not address either issue.

Informally, council members agreed that solar photovoltaic panels, which the village noted have become prevalent for converting solar energy into electricity, would be allowed as an accessory use under certain conditions.

Council indicated that it would prohibit wind-energy-conversion systems, which would include wind turbines, saying established land-use patterns in the village would best be served that way. Both ordinances were on the third and final reading.

Council members said they would like to strike a balance between the use of solar panels and their placement so as to preserve the aesthetics and property values, according to the proposed legislation. An application for a solar panel would have to be reviewed by the architectural and historic board of review. Panels would not be permitted on the roof slope facing the front lot line and would not be allowed to extend above the highest point of the existing roof.

Solar panels attached to an accessory structure could be placed only in a rear yard. An exemption to the review would be any solar panel attached on a roof or wall of a building that would not project more than 6 inches from the surface, except in the historic district.

PC 1-14-2010

CHAPTER 5

BUSINESS DISTRICTS

5.00 INTENT - Business districts and their regulations are herein established to achieve among others, the following purposes:

(a) To provide for the following district in appropriate locations and of sufficient size for the exchange of goods and services and other business activities to serve neighborhood needs for retail goods and services which do not attract large volumes of traffic.

(b) To protect adjacent residential uses by controlling the use, spacing, intensity, height and architectural design of structures and the overall development of business sites.

(c) To promote the most desirable land use and traffic patterns. (Ord. 2001-19).

(d) To create a Limited Office District (B-4) in areas presently zoned residential which are in between zoned and developed business districts and zoned and developed residential districts, to provide a buffer zone between the two districts and to allow for business uses giving the impression of residential use and eliminating the hazards, inconvenience, and possibility of property value detraction ordinarily attendant to mixtures of business and residential uses in semi-rural settings.

5.01 USE REGULATIONS - In business districts, structures and land shall be used, and structures shall be erected, altered or moved in whole or in part, only according to the following regulations:

DISTRICT	MAIN PERMITTED USE	ACCESSORY USE	CONDITIONAL USE
B-1	Residential (R-1-A) Offices Retail Personal Serv.	Structures, Outdoor Sales, Parking, Loading Signs	Residential, Gas Stations, Restaurant, Commercial Amusements, Automotive Sales, Mortuaries, Wireless Telecommunications Facility (Ord. 1997-29)
B-2	Residential (R-1-A) Offices Personal Serv.	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29) Bed and Breakfast (Ord. 2001-19)
B-3	Residential (R-1-A) Medical Services	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29)

#1 agenda item on
PC1-14-~~09~~ 2010
- current zoning at former
MILBar prop. 530 E. Washington St
B-1 & T1

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
JANUARY 14, 2010
7:30 P.M.

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

2. MINUTES: 9-10-2009 **approved**

3. AGENDA:

1. Discussion/review current zoning at former Milbar property (530 East Washington St.) **Ondrey will look at tweaking the definition of personal services. PC will continue this discussion at the next meeting**

2. Ondrey: to present definitions distinguishing pennants from banners **Sutliff, "Let's read through these definitions for the next meeting & get Jim's (Flaiz) input next time & get to some conclusion on this."**

3. Ondrey: discussion with PC about wind turbines; should there be ordinances that regulate wind turbines in South Russell?
   -handout: letter, 1-8-2010 from Lee Schiemann, 22 Forest Drive. Re: Zoning for Private Energy Generation Devices. Article refers to wind turbines & Gates Mills
   prohibited them **Ondrey will contact GM & find out what their proposed legislation was & PC will continue to discuss at next meeting**

4. OLDBUSINESS: **Panini's, 540 E. Washington St. hopes to open by the end of February 2010**

5. NEW BUSINESS: **Next meeting: February 17, 2010 at 7:30 p.m.**

6. ADJOURN: **8:15p.m.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSSION
RECORD OF PROCEEDINGS
JANUARY 14, 2010
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele

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

ABSENT: Ike Tripp, Jim Flaiz, Ned Foley, Engineer

GUESTS: none

Chairman Sutliff called the meeting to order at 7:30 p.m. The minutes from 9-10-2009 were approved.

Discussion/review current zoning at former Milbar property (530 East Washington St.)

-handouts from Ondrey: Pp. 48 of zoning code: Chapter 5 Business Districts, Pp. 11 (86) Personal Services & a zoning map

Ondrey, "I have a concern that we are operating in a twilight zone here. We've had some uses that were proposed. We liked them & we approved them. They'd be hard to slot into the existing zoning. My concern was highlighted when the woman came in & wanted to put in the dog kennel. (Bow Wow day care) It was unpopular & we turned it down. I've been concerned. What is the distinction? Why are we allowing others & not that particular one? I think we would win that fight because of the nature of that use."

Ondrey handed out a zoning map to everybody. It shows present zoning. Ondrey, "I thought it would be helpful to see what is around it now. Much of the area is a combination of B-1 & I-1. Across the street there is some B-2. Tonight, I thought I'd throw it open for discussion. Would you like to make it wide open to any retail? Would you like to limit it to something less than full retail? Hocevar,

Brett, "Do we have the existing language for the industrial zoned area? I recall that it speaks to personal services & it references a few." Brett to Ondrey, "Your challenge was those either didn't fit with our thinking or we may want to give a more structured definition to it, which I think would be wise."

Ondrey, "Does the map say B-1 or B-2 for it?" Hocevar, "B-1 & I-1. They separated it because of the old business that was in there; to get the existing industrial plant that was in there in that area. The main uses for industrial use are: office, research & laboratories."

Ondrey, "For some reason I thought it was B-2 that we were limited by. If you're saying it is B-1, that does permit any kind of retail already plus personal services. The way we define retail, doesn't exactly capture what we've got in there right now." Brett, "Preschool doesn't feel like retail." DiMichele, "It's a personal service."

Ondrey refers to definition of personal services; Pp. 11 (86) 'Services such as beauty & barber shops & interior decorating. Laundries, laundromats, tailoring, pressing…elsewhere. Repair services such as shoe, hat, radio television…products.' Ondrey, "What we're having here is teaching classes. I don't see that as equivalent to personal service." DiMichele, "How did they get in there?" Brett, "That's the issue. Personal services can be taken a whole bunch of…" DiMichele, "I thought the Bow Wow day camp fell into it. If you are going to care for the children, you should be able to care for their dogs." Ondrey, "Right. But what I'm saying is that I'm a little skeptical that the preschool would fall into personal services. It seems to me if those are the kind of uses that we are willing to permit in there, then we ought to define it better."

Sutliff, "A day care center would be permitted in a B-1 area wouldn't it?" Ondrey, "I didn't think so." Sutliff, "What would it fall under? It certainly wouldn't fall under a B-2." Ondrey, "Correct. We need to add something to our definitions of B-1, so that we are clear that these are ok. (Pp. 48, Business Districts) B-1 would allow residential, offices, retail & personal services." Ondrey reads the definition of personal services from Pp.11 (86) (a handout) Ondrey, "It looks to me that personal service meant something that you had worked on for you i.e. fixing your shoes, or they are cutting your hair. To me that is different then what we have going on there."

Ondrey, "Retail, you may think that is broad enough. But that says (Pp.12 of zoning code) it is a, 'sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products & packaged beverages or it is serving & consumption of food & beverages or it's retail sale of drugs, books, gifts, antiques, art goods, flowers… & supplies.' Then it goes on to a lengthy description of what dirty books you are not allowed to sell."

Ondrey, "It seems to me we need to alter those definitions so that something like these teaching classes, these schools, fit within these two current zones. Or we change the zone altogether. Maybe we could allow public or private education which is our definition of schools. We'd need to broaden it to just say, educational institutions. I don't know if yoga, dance classes would fit your normal idea of educational institutions."

DiMichele, "I think those are all personal services. I'm paying somebody for a service to teach me something." Ondrey, "That's not how we define it. If you just had a naked word, a phrase called personal services, you might say yoga is a personal service. But the way we have defined personal services…" DiMichele, "We can say, such as & give examples." Ondrey, "How could you argue that yoga is like giving somebody your drycleaning?" DiMichele, "It's a service. I'm paying the money for something that they are providing to me. They are providing me a lesson." Ondrey, "That's how we've been able to rationalize putting them in there. I don't think that's as clear…" Sutliff, "Might not the easiest thing to do is to expound on the definition of personal services? Say, personal services can also include: educational activities, recreational activities such as dancing, yoga."

Brett, "It feels like we could look at other communities & see how they define personal services. Is that relatively standard in zoning that you define them?" Ondrey, "It is relatively standard that you define them & this is a relatively standard definition. That doesn't mean that we can't broaden it." Brett, "What I would want to be careful about is broaden it based on what we have here tonight. Then have somebody else come in with a personal service that is different. I would have never thought about a ballroom dancing studio plugged into this."

Ondrey, "I think the first element is, do you agree that we need to tweak this?" All agree. Hocevar explains that a B-1 (Milbar property) is less restrictive than a B-2 & there is an acre of B-2 across the street from the former Milbar property. Ondrey, "Did we shoehorn that day care into the B-2?" Hocevar, "It came before PC & they decided it was a personal service." Ondrey, "At least we've been consistent."

Ondrey, "Do you want to make this broad enough that you would allow something like the Bow Wow boutique?" DiMichele, "Or something like a little shop for dog grooming & selling dog accessories." Ondrey, "I definitely see dog grooming as a personal service, but having dogs there, barking all day long is pretty different." Hocevar, "A kennel or dog boarding, can we get that out of our zoning or put it somewhere that is more restrictive? The whole objective to this is to eliminate the Bow Wow place from going in there." Ondrey, "We could specifically prohibit it in any district. Although, every time you do a blanket prohibition, you're running some risk."

Brett, "We've got the vet across the street. (5210-C Chillicothe Rd.) She doesn't board dogs." Hocevar, "Just over night after surgery." Dr. Panhuis (536 East Washington St.) doesn't board animals either. Ondrey, "Veterarian clinics are specifically defined in here. I don't notice that they are specifically allowed. We define them. We just don't say where they are allowed."

Ondrey, "If you would like, I will take a look at tweaking our definition of personal services & see if other communities…" Brett, "Could you read the definition of retail again?" (pp. 12 zoning code) Ondrey, "It is either the 'sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products & packaged beverages.' So, food is considered retail. Also 'serving & consumption of food & beverages.' You

can also sell 'drugs, books, gifts, antiques, art goods, flowers, periodicals, musical instruments & supplies.' No nasty books & 'retail sale of wearing apparel, shoes, sporting & athletic goods. Retail sale of hardware, tools, paint, garden supplies, household appliances & pets.'

Ondrey will look at tweaking the definition of personal services. PC will continue this discussion at the next meeting.

Ondrey: to present definitions distinguishing pennants from banners

-handout from Ondrey: 11 pages with definitions of banners, pennants, streamers from different communities
Ondrey said handout is from Jim Flaiz.

Ondrey, "We discovered in the B-2 district that we no longer have a prohibition on pennants, banners or streamers. There were a few instances - across the street at the gas station (5196 Chillicothe) & at the day care center (5188 Chillicothe) - where they were used. People in the Building Department got them to stop. We want to fill that hole."

Ondrey refers to handout. "Jim found these examples. What I think we need is to include in our definition section, some kind of definition of what we mean by banners, or pennants or streamers. Then we could put a specific prohibition if that is what you want in the B-2 district."

DiMichele, "Under Civic Banner (pp.1, f, #1), what does 'to provide a streetscape feature' mean?" Brett, "That's probably like in University Circle, they'll have banners attached to the light poles that say the clinic area, Severance."

Ondrey, "I wanted to present these to you just as examples of what some other communities mean. I don't know how complicated we want to make this."

Brett, "I'm fuzzy on the context on this. We had unintentionally omitted a line & this was part of the line." Ondrey, "We're not sure if we unintentionally or intentionally omitted. They are omitted. Nobody's gone back to check the PC minutes from 05'when we did those changes. I think we came to that provision & we realized that we didn't have a definition of what a banner & a pennant was. My vague recollection is that we decided to defer it. I will note that in your industrial district, we still prohibit banners. In one instance we caught it & in one instance we didn't."

Brett, "We've got a line that talked about 'banners, floodlights, mobile spot lights & other displays shall not be permitted'. Do we want that in our language? If so, do we want to define what a banner is?" Ondrey, "Yes. And a pennant & a streamer." Hocevar, "I think you ought to leave that banner word out of there & put streamers & pennants in there. You look on the internet & banners are anything from a sign that you put across the road, a temporary sign." Ondrey, "I agree that is something that we have

to discuss. Is banner in or out because as you can tell from the Gahanna one, they have 5 different ways to define banner? We may not want to eliminate all of those. I think the main thing we are worried about is when they hang it up & it looks like a used car dealer lot." Hocevar, "When you look it up on the internet, streamers & pennants, you're going to find out what they define it as, is a good point & put that in there. Then leave it."

Sutliff, "I suggest that we review these. Jim Flaiz spent a lot of time on these. I'd like to get some input from him."

DiMichele, "If someone has a pennant up that says 'Go Ohio State', is it outlawed?" Ondrey, "All we're talking about is the B-2 district. That's where we feel we have the hole right now." Hocevar, "We (unintelligible) put it in the B-1 & B2 districts. We want to keep them in both districts."

Brett, "That's where the definition comes in. If someone takes a string that has triangular items on it, that's what I'm not in favor of. If someone wants to put an Ohio State or Michigan thing, that's ok."

Sutliff, "Let's read through these definitions for the next meeting & get Jim's (Flaiz) input next time & get to some conclusion on this.

Ondrey: discussion with PC about wind turbines; should there be ordinances that regulate wind turbines in South Russell?

-handouts: letter, 1-8-2010 from Lee Schiemann, 22 Forest Drive. Re: Zoning for Private Energy Generation Devices (Chagrin Valley Times 12-10-2009)
-handout from Ondrey: Proposed Wind Energy Conversion System Regulations, 4-9-09. Middlefield is considering this

Ondrey, "What I passed out to you is something I've been working on with the PC in Middlefield. Their engineer came up with the notion that the village needed to think about putting regulations in place to govern small wind turbines. Anything over 5 megawatts is regulated by the Ohio PUCO. We're talking about 5 megawatts & less for this."

Ondrey, "This is a draft. You'll see some handwritten changes on it because he used language from oil & gas well regulations, which is no longer applicable. Middlefield has not yet adopted this, but they are close to it. I wanted you to see what is being considered."

Ondrey, "A couple things to think about are:

- the sound definition. We've been getting feedback in Middlefield that this may not be the best way to test the sound level from a turbine. Some debate still going on. Is there a better standard to apply? Wind turbines do cause a constant humming sound. It's very irritating to some people nearby it. The sound is very important. This is one suggestion that may get adopted by Middlefield. There are 2 or 3 options that they are kicking around.

- Middlefield is prohibiting these towers anywhere, but their industrial districts. They are only going to allow them in non residential zoning districts. That makes sense out there. They have a whole bunch of industrial zoned property & a lot of room to put these things. Some businesses have indicated an interest in putting them in.
- Their homes are a lot denser than in South Russell. Although some of your areas are dense, some aren't. You may want to think about if you'd be ok with a wind turbine that someone might want to put behind their house if they have 5 or 10 acres or whatever minimum standard you would want to put on it. So when you think about the wind turbine issue, think about whether or not you want to permit them in residential districts with a certain amount of land or not.
- I read about the shadows from these things can cause problems for people. The spinning of the wheel can cause nausea, headaches for some people. Again, if you allow them on residential, you'd want to make sure that there was some significant distance from neighboring properties so the neighbor doesn't run into that issue." Birds a problem? Ondrey, "I don't recall reading that wildlife was highlighted as a major concern. It's a legitimate concern. People do make that comment about them. On these smaller ones, it's not as much of an issue."

Sutliff, "On these regulations, it defines, 'rotor diameter shall mean the length as measured across the center of the full spin of the rotors of the SWECS turbine'. (p1, g) That's the definition, but it doesn't appear to have any regulation for it." Ondrey, "You mean what that size is going to be? I think that is probably a function of, if it is only going to be a 5 megawatt capacity, it's going to be relatively small." Sutliff, "Then why bother to define it? They define tower height (p2, i) & under the requirements, (p3, b) they spell out the maximum tower height." Ondrey, "I don't know. That's a good question."

Brett, "As you head down 306, there are 17 acres that are for sale. That could be a spot that somebody might put a wind turbine. If it's positioned in the right spot, I wouldn't be opposed to it. I think what I'm hearing is that my neighbor could put up a wind turbine right now & I might not be very happy about that. To protect our residents, I think it's valid that we look at it." Ondrey, "It's my understanding, that they are making them smaller & smaller. They may become economically attractive to residential users."

PC reviews handout from SR resident Lee Schiemann, 'Re: Zoning for Private Energy Generation Devices.' Ondrey refers to article. "It looks like Gates Mills is not going to allow any wind turbines in the village. Down there, I don't think it's as big of an issue. They are in a valley. I don't know how much effective wind they get. Now that I know that Gates Mills has thought about this, I will contact Steve Byron or Chuck Reel. I can find out what their proposed legislation was."

Brett, "When Dynamic Design on East Washington wanted to put solar panels up, my reaction was, really. You're going to get that much solar in Northeast Ohio. It's been effective."

Hocevar, "You're not going to put a 4 megawatt generator in a residential district. There's no way." Ondrey, "What if it was a 20 acre parcel?" Hocevar, "That's about the only way you're going to be able to do it because you are going to have a span on those blades of about 40 or 50 feet. Four megawatts is not small, not at all. They are putting one up in Newbury now. I don't know if it is a riding academy. The span on that is 50' across, 60' across. It's 140' high."

Brett, "It does raise the question of (p1, first paragraph) 'wind power systems of 5 megawatts in capacity or greater are regulated by PUCO', what does that mean for our zoning?" Ondrey, "If it is regulated by the Ohio Public Utilities Commission (PUCO), we can't do anything. It's out of our hands." Hocevar, "After 5 megawatts, we have to tie into the grid. PUCO is not letting anyone tie into the grid with wind turbines right now."

Ondrey to Hocevar, "If someone today wanted to put one into one of our residential districts, would our height…" Hocevar, "Our height would be able to stop it & the side yard, rear yard." Ondrey, "In some places, towers aren't always the same height problems as a home. You might have a height regulation for a home, but not for towers." Hocevar, "We would consider this an accessory structure. We never defined anything different for towers & stuff. 15 foot maximum on an accessory structure; anything accessory to a residential or commercial building."

Continue to discuss at next meeting

OLD BUSINESS:

-Panini's, 540 E. Washington St. Hocevar said it is moving along & hopes to open by the end of February 2010

NEW BUSINESS: Conflicts with next scheduled meeting. If PC members who are absent tonight are available, the next PC meeting will be held on Wednesday, February 17, 2010 at 7:30 p.m. If they are not available, no meeting in February & PC will meet Thursday March 11, 2010 at 7:30 p.m.

There was no further business. The meeting adjourned at 8:15 p.m.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

(82) Outdoor Sales: Permitted retail sales outside of a structure.

(83) Owners Association: An organization of all owners in a condominium property provided for by Chapter 5311 of the Ohio Revised Code.

(84) Parking Space: An open or enclosed area accessible from a street or access drive for parking the motor vehicles of owners, occupants, employees, customers or tenants of the main structure or use. Each space shall be at least nine feet wide and include at least 180 square feet, excluding drives, curbs and turning space. The number of spaces shall be determined from an accurate plan of the area. Where the computation of required spaces results in a fraction, one additional space shall be provided.

(85) Parks: Public or common land proposed for dedication or permanent assignment as outdoor recreation land.

(86) Personal Services: Services such as beauty and barber shops and interior decorating. Laundries, laundromats, tailoring, pressing and drycleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products.

(87) Pole Sign: "Pole sign" means a sign supported by a pole or poles, which are placed upon the ground and are not a part of any building, the bottom which sign is at least 3 feet above ground or grade level.

(88) Political Sign: A temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within ten (10) days following the election or as otherwise provided by the Ohio Revised Code.

(89) Ponds: Any body of water having a surface of less than one acre.

(90) Private Cluster Residential Development: A development at least fifty acres in size of single family detached dwellings located on private sublots known as Envelopes, generally clustered on private spur roads, or located adjacent to common areas abutting public streets with the balance of the development held for the benefit of all Envelope owners in common land, which may be developed in the district zoned R-2, Residential, Multi-family. (Added by Ord. No. 1992-8, passed 02-24-92)

(91) Private Garages: Enclosed structures attached or detached to the main use used exclusively for the storage of automobiles owned by the occupants of the main use.

(92) Private Land: Land which is attached and permanently assigned to a privately-owned structure or use, including common land.

(93) Private Pool: A swimming pool maintained for the sole use of a household and guests without charge for admission and located as an accessory use to a dwelling.

#1 agenda item on
✓ PC 1-14-2010
current zoning at former mill Bar

CHAPTER 5

BUSINESS DISTRICTS

5.00 INTENT - Business districts and their regulations are herein established to achieve among others, the following purposes:

(a) To provide for the following district in appropriate locations and of sufficient size for the exchange of goods and services and other business activities to serve neighborhood needs for retail goods and services which do not attract large volumes of traffic.

(b) To protect adjacent residential uses by controlling the use, spacing, intensity, height and architectural design of structures and the overall development of business sites.

(c) To promote the most desirable land use and traffic patterns. (Ord. 2001-19).

(d) To create a Limited Office District (B-4) in areas presently zoned residential which are in between zoned and developed business districts and zoned and developed residential districts, to provide a buffer zone between the two districts and to allow for business uses giving the impression of residential use and eliminating the hazards, inconvenience, and possibility of property value detraction ordinarily attendant to mixtures of business and residential uses in semi-rural settings.

5.01 USE REGULATIONS - In business districts, structures and land shall be used, and structures shall be erected, altered or moved in whole or in part, only according to the following regulations:

DISTRICT	MAIN PERMITTED USE	ACCESSORY USE	CONDITIONAL USE
B-1	Residential (R-1-A) Offices Retail Personal Serv.	Structures, Outdoor Sales, Parking, Loading Signs	Residential, Gas Stations, Restaurant, Commercial Amusements, Automotive Sales, Mortuaries, Wireless Telecommunications Facility (Ord. 1997-29)
B-2	Residential (R-1-A) Offices Personal Serv.	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29) Bed and Breakfast (Ord. 2001-19)
B-3	Residential (R-1-A) Medical Services	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29)

#1 Agenda item on PC 1-14-2010 - current zoning at former Hilbar prop. 530 E. Washington St B-1 & T-1

banner Only PC 1-14-2010 GAHANNA #2 of agenda permits/banners

1165.03 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively described to them by this chapter, if not defined herein, or within other chapters of the City Code, terms used in this chapter shall have the meanings provided in Section 1123.01.

(a) Abandoned Sign. A sign which is discontinued for a period of ninety consecutive days. It shall be prima facie evidence of the intent of the owner to discontinue any further interest in a sign after a cessation of all use of the sign or removal of the face or supportive structure of the sign for the required period.

(b) Aesthetics. A term dealing with form, design, and/or quality of construction of a particular sign, building, site or structure that presents a subjective statement concerning the level of beauty or artistic value.

(c) Animated Sign. Any attention-diverting apparatus, equipment or devices in a sign that uses movement or change of lighting to depict action or create a special effect or scene. Animated signs shall include: blinking, coursing, flashing, moving, racer-type, rotating, revolving, spinning, and other similar types of apparatus, equipment or devices. (See "electronic message" and "flashing" signs.)

(d) Awning. A permanent roof-like cover, often of fabric, metal or glass which projects from a wall or roof of a structure over a window, walk, door or the like and is designed and intended for protection from the weather or as a decorative embellishment. Also called a canopy when the projection extends more than three feet from the face of the building.

(e) Awning Sign. A sign located on an awning.

(f) **Banner Sign.** Any sign with or without characters, letters, illustrations or ornamentations applied to cloth, paper, flexible plastic, or lightweight fabric or similar non-rigid material of any kind with only such material for backing that is mounted to a pole, staff, or a building by a string, rope, wire, or frame at one or more edges. All **banners** are temporary signs.

(1) Civic **Banner.** A **banner** sign attached to lampposts in business districts to provide a streetscape feature.

(2) Pennant **Banner:** A **banner** sign, usually mounted in a series.

(3) Promotional **Banner:** A **banner** sign that is mounted to poles or a building.

(4) Street **Banner.** A **banner** extending across a public right-of-way.

(5) Flying **Banner**; Feather **Banner**; Attention Flag. A sign made of lightweight, non-rigid material typically supported by one pole, with or without graphics, intended to attract instant attention. These signs are generally teardrop, rectangular, or pennant shaped.

(g) Bench Sign. A sign located on the seat or back of a bench placed on or adjacent to a public right-of-way.

(h) Building Frontage. The horizontal linear dimension designed as the primary facade of that side of the building.

(i) Building Identification Sign. A wall sign bearing the address of the premises, but containing no commercial message.

(j) Building Historical Marker Sign. Any sign composed of letters, words, or insignia cut into a masonry surface or made of bronze or other permanent material permanently mounted to a building to convey a memorial, the name of a building, address, date of construction, or incidental information.

(k) Building Sign. Includes any wall sign, window sign, awning sign, canopy sign, or projecting sign. Building signs do not include roof signs.

(l) Canopy. A permanently roofed shelter projecting over a sidewalk, driveway, entry, window or similar area, which may be wholly supported by a building or partially supported by columns, poles, or braces extending from the ground. Any roof overhang extending more than three feet from the face of a building shall be considered a canopy. Also called an awning when the projection from the face of a building is three feet or less.

(m) Canopy Sign. Any sign that is a part of or attached to a structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy sign.

(n) Changeable Copy Sign. Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

(o) Commemorative Sign. A sign, tablet, or plaque commemorating or memorializing a person, event, structure or site. This chapter shall not regulate these signs.

(p) Commercial Message. Any sign wording, logo, or other representation that, directly or indirectly, names,

advertises or calls attention to a business, product, service or other commercial activity. Signs which advertise that patrons are "welcome" or that display "help wanted", "for rent", "for sale" and similar messages shall be deemed commercial messages.

(q) Construction Sign. A sign bearing the names of contractors, architects, engineers and the like, or advertising, promotions, price ranges and similar information, that is placed at a construction site that has received development plan approval.

(r) Deteriorated Sign. A sign which has outlived the useful life span of its construction materials and which is likely to lead to production of litter or other aesthetic problems if continued to be posted, as determined by the Chief Building Official.

(s) Development Identification Sign. A permanent sign identifying an entrance to a residential subdivision, residential complex, institutional use, commercial shopping area, industrial park, business park or other similar use.

(t) Directional Sign. An on-premises freestanding or building sign that includes information secondary to the use of the site on which it is located to assist in the flow and safety of vehicular or pedestrian traffic, such as: "enter" and "exit", "one-way", "reserved parking spaces", "handicapped parking spaces", "no parking", "loading only", "telephone", "entrance", "no trespassing", "caution", "beware of dog" and similar information and directives.

(u) Electronic Message Sign. A sign with a fixed or changing display or message, wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic process.

(v) Externally Illuminated Sign. A sign illuminated primarily by light directed toward or across it or by backlighting from a source not within it.

(w) Flag. A fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a recognized government or political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other similar entity.

(x) Flashing Sign. A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden or marked changes in lighting effects.

(y) Freestanding Sign. A sign that is attached to, erected on, or supported by some structure, such as a post, mast, or frame that is not itself an integral part of or attached to a building or other structure whose principal function is something other than support.

(z) Ground Sign. A freestanding detached sign whose support structure is imbedded in the ground.

(aa) Hazardous Sign. Any sign or sign support structure that is structurally or electrically unsafe, as determined by the Chief Building Official.

(bb) Illuminated Sign. A sign lighted by, or exposed to, artificial lighting either by lights on or in the sign, or directed towards the sign.

(cc) Incidental Sign. An on-premises freestanding or building sign that includes information secondary to the use of the site on which it is located, such as "credit cards accepted", official notices required by law, trade affiliations, "no solicitation", security alarm warnings, emergency phone numbers, and other similar directives. No sign with a commercial message shall be considered incidental.

(dd) Internally Illuminated Sign. A sign whose light source is located either in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

(ee) Landscaping. Bringing the soil surface to a smooth finished grade, installing plant material and other natural materials to produce a pleasing visual effect of the premises.

(ff) Logo. The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations.

(gg) Marquee Sign. A sign designed to have changeable copy which is attached to a roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public right of way.

(hh) Master Sign Plan. A plan that establishes a common theme or design, uses, similar construction methods and compatible colors, scale and size, in accordance to Section 1165.09 (Design, Construction and Maintenance).

(ii) Menu Board Sign.

(1) Temporary: A two-sided, erasable-style, portable, freestanding sign displayed only during the hours of operation providing a bill of fare associated with indoor or outdoor dining.

(2) Permanent: A ground-mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

(jj) Mobile Sign. A sign attached to, mounted to, pasted, painted or drawn on any vehicle, whether motorized or pulled, that is placed, parked or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

(kk) Monument Sign. A ground sign with low overall height and the base of the sign structure on the ground. See Freestanding Sign.

(ll) Neon Sign. A sign containing glass tube lighting in which gas and phosphorus are used in combination to create a colored light.

(mm) Nonconforming Sign. A sign lawfully erected and maintained prior to the effective date of this section that does not conform with the requirements of this chapter.

(nn) Off-premises Sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the lot or premises on which the sign is located.

(oo) On-premises Sign. Any sign which relates to or directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises where the sign is installed and maintained.

(pp) Permanent Sign. A sign affixed to a structure or embedded in the ground whose principal supporting structure is intended, by design and construction, to be used on a permanent basis.

(qq) Pole Sign. A permanent freestanding sign that is mounted on one or more poles or other support so that the bottom edge of the sign face is six feet or more above the grade.

(rr) Portable Sign. A temporary sign not permanently attached to the ground or other permanent structure which is designed to be easily moved from one location to another. Portable signs include, but are not limited to, signs made as A-frames or T-frames, a sign designed to be transported on wheels, or balloons or umbrellas used as signs.

(ss) Projecting Sign. Any permanent building sign attached perpendicular to a building wall and extending laterally more than twelve inches but not more than forty-eight inches from the face of such wall.

(tt) Public Information Sign. Any sign erected and maintained by public officials or public agencies, or approved and authorized for use by state or local government authorities.

(uu) Reader Board Sign. See Changeable copy sign.

(vv) Right-of-way (ROW). A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

(ww) Roof Sign. A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

(xx) Sight Triangle. The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

(yy) Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind.

(zz) Sign Area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

(aaa) Sign Copy. Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

(bbb) Sign Erector. Any person or entity engaged in the business of erecting, constructing, altering, maintaining, repairing or removing signs.

(ccc) Sign Face. The area of a sign on which the copy is placed.

(ddd) Sign Height. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

(eee) Street Frontage. The distance along which a property line of a lot adjoins a public or private street.

(fff) Structural Alteration. Any action that changes the height, size or shape of a sign and any action that affects the

structural supports of a sign.

(ggg) Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.

(hhh) Temporary Sign. A sign that is not permanently affixed to a structure, or permanently embedded in the ground, and is designed to be displayed for a short period of time.

(iii) Wall Sign. Any building sign painted on, attached flush against, or extending not more than twelve inches from an exterior wall in a parallel manner.

(jjj) Window Sign. A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window for the purpose or effect of identifying any premises from the sidewalk or street; or a temporary sign advertising special sales, events, or products.

(Ord. 0212-2007. Passed 10-1-07.)

1187.02 DEFINITIONS.

(a) "Sign" means any name, identification, description, illustration, symbol, statue or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public view from outside the property where located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, to include any landscaping wherein letters or numbers are used for the purpose of directing the public's attention to a product or location. For the purpose of removal, signs shall also include all sign structures. The entire translucent area of an internally illuminated or backlit awning, canopy or other exterior area of a building or an attachment to the building which is located outside of the enclosed building and is visible from any public street shall be included as a sign, whether or not it has lettering or other symbols or illustrations thereon.

The word "sign" does not include: a flag, pennant, insignia or temporary signs of any nation, state, city or other political unit, or of any educational, charitable, philanthropic, civic, professional, religious organizations or like campaign, drive, movement or event; commmemorative plaques approved by Council; any name plate sign in residential areas or any board, sign or surface used to display any official notices issued or posted by any court or public officer in the performance of a public duty; window displays; signs within a stadium, shopping center, residential complex, arena or other use, which cannot be viewed from any public streets; any signs for control of traffic and other regulatory purposes, governmental identification signs, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of public safety. All signs excluded herein shall meet any applicable building or structural requirements.

The following are types of signs:

(1) "Advertising signs" means billboard as defined herein.

(2) "Banner" means a piece of cloth, canvas, plastic sheet or other pliable material.

(3) "Billboard" means any sign painted on or affixed to any structure or erected as a freestanding sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition shall not include subdivision tract directional signs but does include poster panels.

(4) "Business sign" means a sign which directs attention to a business commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed or which displays the identifying name and address of a future comparable business or industrial establishment.

(5) "Bulletin board" means a structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein or at some other place.

(6) "Cabinet sign" means a temporary/movable sign constructed with sign faces designed to install movable letters or characters and the sign faces are held by a frame. Cabinet signs include both illuminated or non- illuminated signs.

(7) "Canopy, awning or marquee" means a sign that is mounted on or painted on or attached to a canopy, awning or marquee.

(8) "Captive balloons" means an envelope of spherical or similar shaped gas proof fabric distended by the pressure of gas or air held internally.

(9) "Company logo flag" means a piece of cloth or canvas attached to a flagpole and used to designate a company logo.

(10) "Construction" means a sign indicating the names of architects, engineers, contractors, owners and similar persons involved in the design and construction of a structure or project.

(11) "Directional" means a sign without advertising, directing vehicular or pedestrian movement onto a premises.

(12) "Electronic message display sign" means a sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means, including graphics and/or video. This definition includes light emitting diode (LED) screens. These signs must be capable of utilizing at least three colors per pixel with color capability in excess of 32,000 colors.

(13) "Flashing" means a sign which contains or is illuminated by lights which are intermittently on and off, scintillate, move, change color, or appear to change color, change in intensity, or which create the illusion of flashing in any manner such as by rotating a light source.

(14) "Freestanding" means a sign suspended or supported by one or more uprights, braces, poles or other similar structural components when utilizing earth, rock, the ground or any foundation set in the ground as a primary holding base and not attached to or enclosed by any building.

(15) "Gateway" means a sign placed by the City on a thoroughfare within 1000 feet of the City limits noting the City boundary.

(16) "Good condition" means a sign that is maintained so as to be readable, structurally sound, mechanically working as it was designed, with no chipping, fading or other maladies and having an overall appearance similar to the original state.

(17) "Ground" means a sign placed upon a foundation, or a slab or placed upon or attached to an ornamental wall and not supported by any uprights, braces, poles or other similar structural components taller than three feet.

(18) "Illuminated" means a sign that is lighted by an artificial light source.

(19) "Moving" means any sign which in part or total, rotates, revolves, oscillates, tilts or otherwise is in motion at any time. This includes, indexing, multiprism units, whose speed exceeds one complete revolution in less than twenty seconds.

(20) "Nonconforming" means a sign which has been issued a valid permit at the time it was erected but does not now accord or comply with the requirements of this chapter and was made nonconforming by annexations, rezoning or ordinance amendment.

(21) "On-site or accessory" means business sign as defined herein.

(22) "Pennant" means a long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material.

(23) "Portable" means any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the Building Code of the City or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. This definition includes searchlights, but excludes banners, pennants, streamers, captive balloons and company logo flags.

(24) "Poster panel" means an advertising structure on which posters are displayed. See Billboard.

(25) "Projecting" means a sign suspended from or supported by a building, structure or building column and extending horizontally therefrom, more than fifteen inches.

(26) "Property improvement sign" means a sign as defined in Section 1187.05(i).

(27) "Real estate" means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

(28) "Roof" means any sign which is erected over the roof or parapet above the roof line and/or receives any or all of its support from the roof structure.

(29) "Special event sign" means a portable sign which is not internally lit or capable of being internally lit and does not exceed twenty-four square feet.

(30) "Streamer" means a series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material attached to a line such as a rope or wire. This definition includes tinsel.

(31) "Temporary" means a banner, pennant, paper or cardboard sign, streamer, portable sign, or captive balloon which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business.

(32) ""Variable message reader board" means a permanent sign which is displayed in a series of monochromatic lights that can be changed electronically by remote or automatic means. No message, graphic, display or part thereof shall be visible for less than seven (7) seconds. The entire message shall be text only and shall not be traveling, scrolling, flashing, scintillating, animating or changing in color or light intensity or visibly changing in any other manner for the minimum seven (7) second interval.

(33) "Wall" means a sign which is affixed, painted on or attached to the wall of the building or other wall or structure and which extends not more than fifteen inches from the face of the fence or wall.

(34) "Warning" means any sign indicating danger or a situation which is potentially dangerous.

(35) "Window" means any sign printed, painted on, attached, glued or otherwise affixed to the interior side of a window and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use.

(b) "Building frontage" means that building side or sides which face upon a public street or parking area between such building and the street where access to the building is provided from such frontage. If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building measured parallel to the public street or parking area upon which the building fronts.

(c) "Parcel of property or parcel" means any separate parcel of property as shown on the latest available County Tax Map, provided that when structures on separate parcels are abutting and/or have common walls, such parcels shall be considered as one parcel of property and provided further that where one tenant, business or enterprise occupies two or more contiguous parcels, it shall be considered as one parcel of property.

(d) "Principal street" means that single public street which provides the most access and/or predominent business exposure for a particular business.

(e) "Shopping center" means a group of at least three businesses which function as an integral unit on a single parcel or on contiguous parcels under the same ownership and which utilizes common off-street parking and access.

(f) "Sign area" means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, internally illuminated signs as defined in Section 1187.02(a) or any other figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a double faced sign, where both faces are on opposite sides of a single flat surface, the area formula shall apply to the dimensions of one side only. The area of a sign having more than two display surfaces shall be computed as the total of the exposed exterior display surface areas. In the event a sign is of irregular shape, calculations of sign area shall be made by superimposing a single imaginary regular geometric figure: square, rectangle, triangle, trapezoid, circle or ellipse, large enough to enclose the entire sign, over the sign and measuring the appropriate dimensions and making the necessary calculations. The necessary supports or uprights on which such sign is placed, not being advertising matter shall not be included in computation of surface area.

(g) "Sign face" means the surface of the sign upon, against or through which the message of the sign is exhibited.

(h) "Sign height" shall be measured from the lowest horizontal surface grade immediately within ten feet of the base of the sign to the top of its highest element, including any structure element.

(i) "Sign structure" shall be the supports, uprights, bracing, poles or framework for signs.

(j) "Street frontage" means the linear frontage of a parcel of property abutting the principal street.
Ord. 47-08. Passed 4-28-08.)

1181.02 DEFINITIONS.

As used in this chapter, the following words and phrases shall have the meanings herein.

(a) "Awning" means a hood or cover that projects from the wall of a building and which can be retracted, folded or collapsed against the face of the supporting building.

(b) **"Banner" means a nonrigid cloth, plastic or canvas sign typically related to a special event or promotion. National flags, state or municipal flags shall not be considered banners. The official flag of any institution or business shall not be considered a banner.**

(c) "Billboard" means an off-premise outdoor ground sign exceeding 60 square feet in area.

(d) "Canopy" means a projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

(e) "Changeable copy sign (manual)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a readerboard with changeable letters.

(f) "Changeable copy sign (mechanical or electronic)" means a sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.

(g) "Clear Sight Triangle" means the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines and extending vertically from a height of three (3) feet above grade to ten (10) feet above grade.

(h) **"Flag" means any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or political subdivision.**

(i) "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

(j) "Ground sign" means a free standing detached sign whose support structure is imbedded in the ground.

(k) "Joint identification sign" means a sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.

(l) "Informational window sign" means window signage with a total area of two (2) square feet or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card, etc.).

(m) "Marquee" means a canopy that provides additional loading for graphics.

(n) "Menu board" means a permanently mounted sign displaying the bill of fare for a restaurant, drive-in or drive-thru restaurant or instructions or services for other drive-thru establishments.

(o) "Moving sign" means any sign, all or any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.

(p) **"Pennant" means a triangular shaped banner.**

(q) "Permanent residential subdivision identification signage" means those signage features specifically relating to the denotation of a major entrance or entrances to a residential subdivision.

(r) "Permanent sign" means a sign intended to be erected and used or in fact which is used for a time period in excess of one year.

(s) "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

(t) "Projecting nameplate" means a sign indicating only the name and/or address of an occupant which extends outward perpendicular to the building face.

(u) "Private traffic and on site directional signs" means a temporary or permanent sign that provides information regarding location, instructions for use, or functional/directional data.

(v) "Roof line" means the lowest point of a roof which is closest to the ground.

(w) "Roof sign" means a sign erected upon the roof of a building, any portion of which is above the roof line of the

building.

(w1) "Sandwich Board Sign" means any sign temporarily placed in the right-of-way of the zoned lot or on the land between the building and the right-of-way as a freestanding sign, which may include chalk and dry erase boards, also known as "A" or "T" frame signs.

(x) "Sign" means a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business. The word "sign(s)" as used throughout this chapter means sign(s) that are externally visible from adjacent properties or streets. Signage that is placed internally within a structure or building that is not externally visible shall be excluded from sign regulations.

(y) "Streamer" means any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.

(z) "Temporary sign" means a sign intended to be used and in fact used for a time period of one year or less.

(aa) "Wall sign" means a sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.

(bb) "Window sign" means a sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two (2) feet of the window and intended to be viewed through the window from the exterior of the premises.

(Ord. 2006-13. Passed 5-1-06.)

ORANGE

1161.03 DEFINITIONS.

The following shall serve as definitions as they are referred to within this chapter:

(a) Architectural feature means any construction attending to, but not an integral part of, the sign, which may consist of landscape, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures related to the intended message of the sign.

(b) Billboard or Off-premise Sign means any sign structure advertising an establishment, merchandise, event, service, or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located.

(c) Building Wall means any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated. Examples of building walls include, but are not limited to: awnings, canopies, marquees, vertical portions of gable roofs, parapets, mechanical penthouses, etc.

(d) Flag means any fabric, banner or bunting used as a symbol of government, political subdivision, corporate or commercial entity, or institution, or used to convey any message, or otherwise used in a manner consistent with the definition of a sign.

(e) Parcel means the area of land necessary for a use to be in compliance with the Village of Orange Zoning Code. The terms "lot" or "tract" may also be referring to a parcel, set of consolidated parcels or a portion of a parcel.

(f) Sign means any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or announce or promote, an object, product, place, activity, person, ideology, institution, organization, business or the like, by means of letters, words, models, banners, flags, pennants, insignia, devices, designs, colors, symbols, fixtures, images, illuminations or representations used as, or which is in the nature of, an announcement, direction, advertisement or other message.

(g) Abandoned Sign means any sign that no longer identifies or advertises a bona fide business, institution, organization, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

(h) Address Sign means any building sign or freestanding sign of no more than two (2) square feet indicating only the street number of the building or use.

(i) Animated Sign means any sign that uses flashing lights or movement of the entire sign or portion thereof to depict action or create a special effect or scene.

(j) Awning or Canopy Sign means any building sign that is painted on, or otherwise attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.

(k) Banner Sign means any sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.

(l) Building Sign means any sign attached to any part of a building including wall, awning, canopy and projecting signs.

(m) Canopy Sign see Awning Sign.

(n) Changeable Copy Sign means any portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be periodically modified, manually, mechanically or electronically, such as a bulletin board or electronic message center. Changeable copy signs shall not be used to display commercial messages relating to products or services that are not offered on the premises.

(o) Construction Sign means any temporary sign relating to a project or facility, or relating to its construction, during the time of its construction. Such signs typically include the name of an architect, engineer and/or contractor for a building.

(p) Entrance or Exit Sign means any sign situated so as to promote safe traffic circulation by indicating appropriate places of ingress and egress.

(q) Sign Face means the space or surface of a sign intended to contain the message.

(r) Flashing Sign means any sign that contains an intermittent or sequential flashing light source used primarily to attract attention.

(s) Freestanding Sign means any sign supported from the ground and not attached to any building. A freestanding sign may be supported by a single pole, two poles, a pylon or a solid base.
(Ord. 2005-4. Passed 6-8-05.)

(t) Sign Height is measured from the approved finished grade of the location of the sign.
(Ord. 2007-17. Passed 8-8-07.)

(u) Illuminated Sign means any sign incorporating an internal or external artificial light source for the purpose of illuminating the message of the sign.

(v) Inflatable Sign means any inflatable shape or figure designed or used to attract attention to a business location or event.

(w) Instructional Sign means any sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including signage erected by a public authority, utility, public service organization, or private industry that is intended to control traffic circulation, direct or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

(x) Marquee Sign means any sign, other than a projecting sign or an awning/canopy sign, attached to a structure and projecting from a building wall above an entrance and extending over a street, sidewalk, or part thereof.

(y) Off-Premise Sign – see Billboard.

(z) Permanent Sign means any sign that does not satisfy the definition of a temporary sign.

(aa) Portable Sign means any sign that is designed to be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached. A portable sign also includes mobile signs such as parked vehicles or trailers, when such vehicles are visible from the public right-of-way unless such vehicle is regularly used in the normal daily operations of the attendant business, organization or institution.

(bb) Projecting Sign means any sign that is attached to a building wall and that extends away from (i.e., is not parallel to) the building wall or any sign suspended beneath a canopy, ceiling, roof, or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof, or marquee.

(cc) Roof Sign means any sign, or portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.

(dd) Temporary Sign means any sign that is designed, constructed and erected or installed for the purpose of being displayed only temporarily and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Temporary signs may be displayed as window signs.

(ee) Wall Sign means a building sign that is painted on, or attached to, a building wall, with the exposed sign face in a plane parallel to the plane of the wall, that does not extend more than twelve (12) inches there from, and that does not project above the roofline or beyond the corner of the building.

(ff) Window Sign means any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building. This term does not include signs that are in the building more than three (3) feet from the window if the sign is either not legible or not intended to be viewed from outside the building.

(gg) Signable Area means that portion of a structure that can accommodate a sign.

(hh) Site Feature means any construction attendant to but not an integral part of the sign (such as walls, fences, sculptures) that enhance the development, do not include lettering, logos or pictures and could reasonably be constructed independently and without any relationship to signs.

(Ord. 2005-4. Passed 6-8-05.)

Mayor Brett,
SRV Planning Commission

8 January 2010

#3 on agenda
1-14-10

Re: Zoning for Private Energy Generation Devices

As energy costs continue to rise, the incentive for private citizens or businesses to build / install their own small generating systems also increases. Return on invested capital becomes more attractive with each passing year. Federal stimulus dollars could further boost the building of personal alternative energy devices. All of this is good, no, it's excellent, --- providing that the construction of these systems is properly planned and executed. Placement of the power generating device is critical as most are not attractive.

Gates Mills Village has developed a plan for their community that allows for certain alternative power generation devices (solar panels) to be installed such that they are not visible to passing traffic (refer to clipping below). It would seem that such zoning protects both property values and tax revenues. I encourage you to consider this type of zoning for the protection of South Russell and its homeowners.

Lee Schiemann
22 Forest Drive

The Times Dec 10, 2009

Solar panels, wind energy ready for village's vote

By SALI McSHERRY

Gates Mills Village Council was prepared last night (Dec. 9) to vote on two ordinances relating to solar panels and wind-energy-conversion systems. Currently, the zoning code does not address either issue.

Informally, council members agreed that solar photovoltaic panels, which the village noted have become prevalent for converting solar energy into electricity, would be allowed as an accessory use under certain conditions.

Council indicated that it would prohibit wind-energy-conversion systems, which would include wind turbines, saying established land-use patterns in the village would best be served that way. Both ordinances were on the third and final reading.

Council members said they would like to strike a balance between the use of solar panels and their placement so as to preserve the aesthetics and property values, according to the proposed legislation. An application for a solar panel would have to be reviewed by the architectural and historic board of review. Panels would not be permitted on the roof slope facing the front lot line and would not be allowed to extend above the highest point of the existing roof.

Solar panels attached to an accessory structure could be placed only in a rear yard. An exemption to the review would be any solar panel attached on a roof or wall of a building that would not project more than 6 inches from the surface, except in the historic district.

PC 1-14-2010

(1-14-2010)
from Oney
Wind Turbines
#3 on agenda
- Middlefield is ~~considering~~ this considering
- industrial only -

Proposed Small Wind Energy Conversion System
Regulations
April 9, 2009

Small Wind Energy Conversion Systems.

Small wind energy conversion systems (SWECS) less than 5 megawatts in capacity shall be permitted, with an approved Zoning Certificate, subject to all requirements as provided herein. Wind power systems 5 megawatts in capacity or greater are regulated by the Ohio Public Utilities Commission (PUCO).

Definitions

(a) A-Weighted Sound Level (dbA). A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band.

(b) Decibel (db). The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted).

(c) FAA shall mean the Federal Aviation Administration of the United States Department of Transportation.

(d) Guy Cable shall mean any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.

(e) Meteorological Tower shall mean a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological Towers shall not be allowed for time periods in excess of six months, and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.

(f) Rated Nameplate Capacity shall mean the maximum rated output of electric power production equipment for a small wind energy conversion system. This output is typically specified by the manufactured with a "nameplate" on the equipment.

(g) Rotor Diameter shall mean the length as measured across the center of the full spin of the rotors of a SWECS turbine.

(h) Small Wind Energy Conversion System (SWECS) shall mean a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for on site use, may be utilized by the utility company.

(i) Tower Height. The tower height of a small wind energy conversion system is the total height above finished grade of the fixed portion of the tower, excluding the wind turbine blades.

(j) Turbine shall mean the parts of a small wind energy conversion system including the blades, generator, and tail.

Permit Required

(a) No person shall install or construct a SWECS within the corporate boundaries of the Village until compliance has been made with all provisions of this Chapter ~~????~~ and all other applicable sections of the Village's regulations, and a conditional zoning permit has been authorized and a permit issued by the Zoning Inspector.

(b) ~~A conditional zoning permit~~ shall be granted for a one year period and shall expire unless actual ~~drilling~~ has commenced within one year of the issuance date.

Permit Application and Fee. install a wind turbine

(a) Any person desiring to drill a well for gas, oil, or other hydrocarbon within the corporate boundaries of the Village shall make application for a conditional zoning certificate to the Planning Commission in accordance with the requirements of Chapter 1165, Conditional Uses.

(b) All requests for permit shall be accompanied by a completed application, all required information, and a $350.00 fee for each wind turbine. No refund of any part of a permit application fee shall be made to an applicant in cases of a denial of a permit by the Village~~, or to a permit holder in case of a dry hole or for failure to exercise the privilege to drill upon the site covered by the permit.~~

(c) At the time of application, $1,500 shall be deposited with the Village Fiscal Officer for application review costs. Each time a Village incurred cost is charged against this amount, the deposit shall be replenished to the $1,500 level. All such Village costs shall be documented, a permanent record maintained, and a copy sent to the applicant. Upon completion of the review of the application, whether approved or denied, any unused portion of this deposit shall be returned to the applicant.

Location Requirements

As a basis for assuring that SWECS and any associated equipment will be of minimum hazard to and compatible with, surrounding development, the location, evaluation and approval of a proposed ~~well site~~ tower and associated production and processing equipment site shall be based upon the following criteria:

(a) A SWECS may be permitted in any non-residential zoning district.

(b) Maximum Tower Height – The maximum tower height shall be one hundred fifty (150) feet, except as imposed by FAA regulations.

(c) Turbine Clearance– No portion of the turbine, including rotor blades, shall extend within twenty feet (20') of the ground. No portion of the turbine may extend over parking areas, driveways or sidewalks.

(d) Minimum Setbacks – Minimum setbacks from all property lines for the SWECS shall be either 100 feet or equal to 1.5 times the overall blade tip height of the SWECS, whichever is greater. No part of the small wind energy conversion system structure, including, but not limited to, guy wire anchors and any necessary ground-mounted conversion equipment, may extend closer than twenty-five (25) feet to the property line. SWECS shall be set back a distance equal to 1.5 times the overall blade tip height of the SWECS from the nearest existing residential or commercial structure.

(e) Sound – Small wind energy conversion systems shall not exceed 60 dbA, measured five (5) feet above ground level at the closest property line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of 58 miles per hour or 50 knots.

(f) Automatic Over-Speed Controls – All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.

(g) Utility Notification – No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(h) Tower color – Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.

(i) Multiple towers – Multiple small wind energy conversion systems are allowed on any site, provided all minimum standards are met and total wattage is less than 5MW.

(j) Lighting – Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.

(k) Climb prevention – Small wind energy conversion systems shall not be climbable up to fifteen (15) feet above the ground surface.

(l) Compliance with other regulations – The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.

(m) Maintenance – Small wind energy conversion systems are subject to the provisions of the Property Maintenance Code and shall be maintained in working order, structurally sound, and with any surface treatments intact.

(n) Abandoned Facilities - Any small wind energy conversion system that is not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned. The Zoning inspector may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within sixty (60) days of receipt of notification by certified mail. If said facility is not either operational or removed after sixty (60) days, the Village may remove the system at the owner's expense.

2-3-2010

To: PC
From: Maggie Tomaro

Greetings!

The next PC meeting is set for **Wednesday,** February 17, 2010 at 7:30 p.m. The agenda is the same as the January meeting.

Agenda:
(1). Continue to discuss, review current zoning at former Milbar property (530 East Washington St.) B-1 & I-1.
(2). Continue to discuss definitions of: banners, pennants & streamers; decide whether or not to put prohibitions on them in the commercial areas.
(3). Continue to discuss wind turbines; should there be ordinances that regulate wind turbines in South Russell?

Please bring all of the handouts that were given to you on January 14th.

Enclosed is a copy of the minutes from January 14, 2010. Any questions, call me at (440) 338-1807.

Thanks.

Maggie

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
FEBRUARY 17, 2010
7:30 P.M.

1. ROLL CALL: **Sutliff, Brett, DiMichele, Flaiz**
2. MINUTES: 1-14-2010 **amended & approved**
3. AGENDA:

(1). Formal discussion/ development review with Jack Harper of Accolade Data Technologies, Inc. 524 East Washington St. (former Milbar property) **Brett, "I make a motion to approve the proposed use of the facility described in the application." Flaiz second. Roll call. All ayes. APPROVED**

(2). Continue to discuss, review current zoning at former Milbar property (530 East Washington St.) B-1 & I-1. **handout from Ondrey: Add to the definition of "Personal Services"** (86) Pp.11 zoning code) **Services for personal development such as dance studios, yoga, or cooking classes & similar private education uses, including daycare. Also modify it & change** 'Repair services such as shoe, hat, radio, television & household appliance repair for consumer oriented products' to **'Repair services such as shoe, household appliances & electronics repair for consumer oriented products'. Ondrey will work on this for next meeting**

(3). Continue to discuss definitions of: banners, pennants & streamers; decide whether or not to put prohibitions on them in the commercial areas. **Ondrey will incorporate the definitions of streamers, banners & pennants (taken from Fairfield) into the zoning code. Then he will prohibit streamers in the B-2 districts. He will prepare this for the next meeting.**

(4). Continue to discuss wind turbines; should there be ordinances that regulate wind turbines in South Russell? **Under current zoning, a wind turbine is considered an accessory structure. It could only be 15' high & has to be 20' off the property line. Leave it the way it is- no new legislation**

4. OLD BUSINESS: **None**
5. NEW BUSINESS: Chagrin Yoga, 524 E. Washington St. Robin Peavy Hocevar reported that the yoga facility will return to PC because of expansion of existing use. **Flaiz, "I make a motion that they can make an application. We waive the requirement that they return for expansion of the existing use & we wave the $250.00 deposit. They don't have to personally appear." Brett second. Roll call: all ayes. APPROVED**

-Panini's 540 E. Washington St. hopes to open 3-17-10

-Next meeting: 3-11-10, 7:30 p.m. Tripp not available. If only item on agenda is the 2 zoning revisions, (#2 & #3 on agenda), the meeting will be cancelled until April.

6. ADJOURN: **8:25 p.m.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
RECORD OF PROCEEDINGS
FEBRUARY 17, 2010
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, Jim Flaiz

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

ABSENT: Ike Tripp

GUESTS:
Jack Harper, 7111 Country Lane, CF 44023 for Accolade Data Technologies, Inc. at 524 East Washington St. (440) 708-1470 & his daughter, Holly Harper

Chairman Sutliff called the meeting to order at 7:30 P.M. The minutes from 1-14-2010 were amended & approved.

Formal discussion/development review with Jack Harper of Accolade Data Technologies, Inc. 524 East Washington St. (former Milbar property)

-handout from Mr. Harper, explanation of company

Mr. Harper, "We are looking to put one of our retail stores in the old Milbar property. Pure sales & service could be classified as an Ohio Corporation. We are a little different because we are a data recovery & forensics. We don't sell any computer hardware." Sutliff, "No retail business there?" Harper, "It's designed to be a drop off location. You can buy hardrives if someone has a bad harddrive. It's more a service center. We are putting five in Cleveland & the Akron area."

Sutliff to Hocevar, "Any problems with this?" Hocevar, "I bring new occupants to PC to determine if you felt that use would fit in." DiMichele, "It sounds like personal service." Ondrey, "Sounds like that to me."
The unit is near the Chagrin Yoga; unit B.

Brett, "Who would be coming in?" Harper, "Any of you. Data recovery is traditionally mail order or ship in. You find them on the internet. You'd describe your problem. You'd ship them your harddrive. They'd diagnosis it & give you a fee. That's typically running right now $1,200 to $1,500. The true cost of that is only a few hundred dollars, which is the market we are going for. We are going to the sub $750.00 market. It's a large market, equally needed. There may be people who don't want to pay $1,000.00 to get those vacation pictures back. But they are willing to pay $300. to $500.00."

Harper, "People have an issue with leaving their data with somebody they simply don't know. Hence, the reason for a drop off location. You can literally come in, drop your harddrive off & go shopping. When you come back, your data will be off that drive onto another (unintelligible)."

# of employees: Harper, "At that location, there will be about three. The property owner, David Jezek, is an old friend of mine. We are going to utilize one of his other properties for an office facility." Timing: he'd like to launch in 3-4-weeks. Harper has to do infrastructure: network lines, dial tones. Other products of his include the crawl at the bottom of TV's that tell what schools & businesses are closed. He designed that 18 years ago & markets that internationally. No parking issues

Brett, "I make a motion to approve the proposed use of the facility described in the application." Flaiz second. Roll call. All ayes. APPROVED

Sutliff, "What happens if a hardrive is physically damaged? Can you recover that?" Harper, "We sure can. We actually can take any of your cell phones & take it right off your chips. You can bring me an old video card & I can tell you the last thing you saw on that monitor. If you bring me a fragment of a CD, I can get data off of there. It's really kind of difficult to loose data these days. Forensics is a good part of it with the police, fire department."

Ondrey, "Do you do it for lawyers?" Harper, "Yes." Ondrey, "That's common in discovery these days. You want to see the other guy's e-mails & everything else." Harper, "Worse than that, they encrypt it. Given the 128 bit encryption, it's pretty hard to crack. Our technology isn't OS specific. We go underneath it at chip level & we take it as an image, not as an actual file. Then we light an auger rhythm that deciphers that back into an image. You can't stop what we do."

Hocevar, "We'll issue you a zoning permit tomorrow. Dave Jezek follows up with the construction part of it."

Continue to discuss, review current zoning at former Milbar property (530 East Washington St.) B-1 & I-1

-handout from Ondrey, PC to discuss: Add to the definition of "Personal Services" the following:
Services for personal development such as dance studios, yoga, or cooking classes and similar private education uses, including daycare.

Ondrey, "At the last meeting I said I'd tinker with the definition of Personal Services & better define it. I'd say it is a little bit slanted toward what we have already approved in there. (Milbar property) One simple way to handle this would be to simply add to the definition that currently exists of Personal Services. (Refer to handout)

DiMichele, "Do we need to specify human daycare?" Ondrey, "I don't think so. Somebody would be hard pressed to argue that if we said daycare that includes the dogs. If you want the dogs, we'd need to put specific language in there." Flaiz, "Camp Bow Wow made an application in Highland Heights. They are going into Alpha Park. Two of the members of the commission didn't think it complies with the zoning. One of the rationales for the 3 members who approved it was that the daycare did not specify just humans."

Ondrey, "When I wrote this, I was confused. You've got this B-2 district over here. And there's a daycare center right there. I thought it was a B-2. I am reminded that this is actually B-1. Maybe you don't want the daycare in there." Sutliff, "I see no reason why we wouldn't want it in there." PC agrees with Sutliff. DiMichele, "Does the preschool that is there fall under private education or daycare?" Ondrey, "Take your pick."

Brett, "How would something like a bakery fit in?" Ondrey, "Bakery is retail. It's already permitted." Flaiz, "How do we work with food preparation? Onsite food preparation for sale; do we allow that? Do we allow a McDonalds?" Ondrey, "In a B-1, yes." Flaiz, "But not a B-2." Ondrey, "A B-2 is offices & personal service." Flaiz, "So there is no retail in a B-2." Sutliff, "I thought previously we prohibited fast food in B-1 or B-2." Hocevar, "No.

DiMichele refers to retail in zoning book: p.12 (103) (1). Retail sale of baked goods, confectionery, groceries, meats, fruits, vegetables, dairy products & packaged beverages. (2) Serving & consumption of food & beverages… Flaiz, "That's in B-2." Hocevar, "The only place you can have B-1 is East Washington Street. It's B-1, I-1. It's a split district."

Flaiz, "B-2, that's odd to me. I thought there was an issue with the farmer's market at this area up here." Ondrey, "I expressed some concern because somebody across the street did want to do some kind of a retail use & we said no. The farmer's market started shortly thereafter. I had a little bit of concern. Hey, we are allowing retail use of this area here in the B-2. Would that give somebody the argument that we can't deny them across the street? I guess that is still an existing question mark. B-2 currently

allows personal services & offices." Hocevar, "Augies (5210 Chillicothe Rd) is before zoning." Ondrey, "The Bell Station (5196 Chillicothe) is different. It was a grandfathered gas station. The issue became, so many gas stations now have retail activities. Could we deny them that proposed use? We decided no."

Brett to Ondrey, "David I have no issue with the things that you added. There may be other things like a tanning salon. I don't see how that would fit in there. I personally wouldn't be against something like that going in." Someone said, "Or an exercise facility like Curves." Ondrey, "If a tanning salon came in right now, I'd say that is equivalent to a beauty shop, a barber shop (in Personal Services definition (86) P.11). If you want to make it specific, then put it in there." Brett, "Maybe that's what 'Services such as' means. It doesn't limit you to those. It spells those out as some examples."

Flaiz referring to Personal Services, (86) P.11. "Maybe we can change repair services such as hat to computers." Brett, "Call it electronics."

Reaction to Ondrey's suggestions in handout. DiMichele, "As long as we're thinking of a loose interpretation of it. The personal development covers a fitness center or personal trainer." Ondrey, "Maybe I should say gym. What if somebody came in with a fitness center?" Hocevar, "That is a good possibility down there." Sutliff, "That's personal development. I think you've got it covered." Ondrey, "Maybe I screwed up when I said 'and similar private education uses'. Is a fitness center an educational use?" DiMichele, "Educational use is a tutoring center like the Sylvan Learning Center or a foreign language place." Flaiz, "Kinder music."

Ondrey, "Do you want me to add specifically tanning salons, fitness centers?" Sutliff, "I don't know whether you have to get that specific." DiMichele agrees. Sutliff, "Personal development, let us decide." Brett, "That's what seemed to cause…" Ondrey, "I don't think we are anywhere close enough. Under our current definition of personal services, I didn't think a yoga class; I thought it was a stretch. To the extent that we give it more definition, I'm in favor of it. But, I also tried to make it broad enough to say similar to give you leeway if you prefer that."

Brett, "How would a business like H&R Block, would that be retail?" DiMichele, "That's office." Ondrey, "It's a type of professional service that we don't list there as a type of personal service. We'd list it as office." Hocevar, "B-1 & B-2, both are office."

Hocevar, "I thought the reason for this is was to detail that we're not looking for Bow Wow places to come in here. I think you did it justice." Ondrey, "I didn't express it one way or the other. What I was worried about with the Bow Wow one, is if they said wait a second, you've allowed a yoga class. How is that a personal service? How can you deny me & my dogs?"

DiMichele, "What about a Pay Day Loan? Could we stop them?" Hocevar, "I would think that it could go in there." Ondrey, "What about a bank?" Hocevar, "Sure." Ondrey, "If a bank could go in there, then a Pay Day Loan can certainly go in."

Brett, "I'm fine with what you have. (the handout) Under Personal Services, (86) Pp. 11, 'Repair services such as shoe, hat, radio, television, & household appliance repair

for consumer oriented products' **replace with, 'Repair services such as shoe, household appliances & electronics repair for consumer oriented products."** PC all talking. The secretary is not sure if PC agreed to change. **Ondrey said he understood & would work on it.**

Brett, "In Chagrin, on one of the side streets, there is a furniture repair shop. I don't see how that would fit in here & that is one that I'm not opposed to." Flaiz, "We've got a furniture repair business there now, in the back." Hocevar, "That's because of the double layer zoning. To me, industrial zoning is the least restrictive. That's why Milbar opened up & you've got small shops back there that stain furniture, reupholster furniture. It would be hard to get them out of there. I don't know if you want to get them out of there." Brett, "That's not the objective. But on a moving forward basis if someone came to us & said they want to do furniture repair in the retail location at Milbar, I wouldn't be opposed to that. I'm not sure how I would see how that would fit in." Hocevar, "Industrial, B-1 use. It's no different then Milbar putting tools together." Ondrey, "Don't we allow shoe repair in the personal services? To me it's equivalent to that type of use." DiMichele, "I think that's personal service. It doesn't matter if it's a shoe or a chair."

Brett, "I agree with that. We identified a dance studio, yoga, a daycare that fit in with personal services. We didn't have a definition that was close to those." Ondrey, "We could slot in furniture repair (personal services (86) Pp. 11) with 'Repair services such as shoe, furniture repair'. I suppose with furniture repair, maybe that's when you get involved with flammable materials & stains. Maybe that is why it was not specified in there originally. There might be more smells involved, hazardous materials."

Flaiz, "Should we be talking about eliminating the industrial zoning there? Do we ever want that use again? Do we want to encourage that use down there? It's become more of a restaurant, daycare…" Brett, "It's clearly transition." Flaiz, "What if someone wants to come in & open a machine shop?" Brett, "If somebody wanted to take that back section, open a machine shop back there, I wouldn't be opposed to it." Sutliff, "I don't think that would be a bad use." Flaiz, "I'm not saying I would either." Brett, "Maybe at some point, I don't think we want to eliminate it now."

DiMichele, "One of the definitions spelled out was that a pet shop was ok. (Pp. 13, (103) Retail (5) Do we want to leave that in there? If you don't want dogs barking during the day, a pet shop would probably be like that during the day." Sutliff, "The difference between this & what we were talking about before (Bow Wow Camp) is that the pets would be inside as opposed to outside & barking." Brett, "I think those are different. I'm not opposed to a pet store." Sutliff, "Absolutely not."

Ondrey, "I will give it a pass as to how we will make the changes."

Continue to discuss definitions of: banners, pennants & streamers; decide whether or not to put prohibitions on them in the commercial areas.

-handout from Jim Flaiz: originally reviewed 1-14-2010, definitions from communities: Gahanna, Fairfield, Centerburg, Orange

Ondrey, "I thought Fairfield did a decent job of defining banner (#2). They defined what a pennant is (#22). They defined streamers (#30). I thought we ought to incorporate those definitions into our zoning code & then prohibit them in the B-2 district. We don't want those across the street." Brett, "Specifically is that we don't want streamers." Ondrey, "I thought you didn't want banners, pennants or streamers. Our problem was, we didn't have definitions of any of these things even though we had legislation prohibiting them. I think that's why it got dropped when the zoning was revised in 2005. We knew we were deficient & we let the whole thing drift away & didn't come back to it until David (Hocevar) brought it to our attention. To keep things simple, I would use these definitions & then prohibit them as advertising."

Sutliff, "What about in B-1? Would they be prohibited in B-1?" Ondrey, "They still are. For some reason in the B-2, it dropped out of the B-2. The B-1 still has it. Now we will have some definitions."

Brett, "I'm not one who says we should not allow banners." Hocevar, "I agree with that. Leave the banner part alone." Brett, "We've had examples of banners: Now Open, SALE." Sutliff, "SR Fall Festival."

Ondrey, "You are saying that you want to banish pennants & **streamers, which is 'a series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material attached to a line such as a rope or wire. This definition includes tinsel'. (#30)"** Brett, "I don't know that I care about pennants, 'a long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material'. It's a banner that's a different shape. I don't have a problem with that."

Brett, "The issue that's relevant for us is the streamers. Our concern was, if a business put those up & stretched them from the ground to the top of a light, it didn't look attractive. It gave the used car image & we didn't want that." Sutliff, "Right."

Brett, "I would include the language of the streamer. Those are prohibited. And define what a pennant & banner are & allow those." Ondrey, "Other than in a streamer." Sutliff, "I agree with that." DiMichele "Sounds good to me." Flaiz, "We're just allowing them under temporary signs. Right? You couldn't put up a banner year round." Hocevar, "No." Flaiz, "Ok."

Ondrey, "In Fairfield, under "Portable" #23, they talk about captive balloons. What if we had a streamer of captive balloons?" DiMichele, "I assume they are talking about the big gorillas." Ondrey, "That we haven't addressed." Flaiz refers to a big dinosaur that hangs over 306. Flaiz, "That would be pretty obnoxious." Ondrey to Hocevar, "Is there anything now David that would stop something like that?" Hocevar,

"Height. We prohibit anything over 15'. Actually, they were going to put one up at the gas station. I said, no."

Ondrey will incorporate the definitions of streamers, banners & pennants (taken from Fairfield) into the zoning code. Then he will prohibit streamers in the B-2 districts. He will prepare this for the next meeting.

Continue to discuss wind turbines; should there be ordinances that regulate wind turbines in South Russell?

-handout from Ondrey: originally reviewed 1-14-2010, Middlefield's draft of an ordinance
-handout from SR resident, Lee Schiemann: originally reviewed 1-14-2010, solar panels & wind-energy-conversion systems in Gates Mills from the CVT 12-10-09

Ondrey, "The Middlefield PC tweaked the draft some more. Remember Council has not adopted it yet. The public hearing hasn't taken place. They came up with a sound definition. I told you before they were only going to allow wind turbines in industrial areas. They changed their minds & they are allowing them in residential also. In the regulation I gave you, there is a requirement that the tower can't be any closer than 2½ times the height of a tower to the boundary line. They felt that would give neighbors sufficient protection."

Ondrey, "Gates Mills Council did have a proposal to regulate wind turbines. It was defeated. It did not pass. Their law director told me if someone came in & made an application for one, they would treat it as an accessory structure. The height limit would be 30'. There is no other regulation; no specific prohibition."

Ondrey, "I talked to the law director in Hunting Valley. There you have to have a minimum of 300 acres in order to have a wind turbine. There are only two locations that would allow it; the University School campus & Squire's Farm, which is a research facility for CWRU. They potentially could do it. Even then, it has to be done for educational purposes. In other words, HV is currently not allowing them."

Flaiz, "You're telling me Middlefield would allow a 150' structure in a residential area." Ondrey, "Only if they have 450' to the boundary of the property." That amazes Flaiz. He would be upset if he could see it from his house. Ondrey, "There was virtually no discussion about the aesthetics, about whether somebody would find it offensive to look at. They looked at it as this may be a growing alternative source of energy. Even though the technology may not be great right now, it may be in the future & people may want them on their homes."

Sutliff, "Is this going to be similar to the oil & gas ordinance that this board spent weeks, months, years on & then the state comes along & says …" Ondrey, "The state, the PUCO, will regulate it over 5 megawatts. My understanding is that is a huge turbine.

Wally, I don't know the answer to that. Sure the state of Ohio could stick its nose into it at some future time. I'm unaware of any pending legislation."
PC opinions re. wind turbines in SR:

DiMichele, "My first inclination is I don't want them in my backyard. Looking forward, if everybody had one, wouldn't that be great?" Hocevar, "I think you're going to see solar panels before wind turbines."

Brett to Hocevar, "If someone came & said they want to put up a wind turbine, what could he do?" Hocevar, "20' off the property line & no higher then 15'." Sutliff, "It's an accessory structure." Brett, "We're pretty limited."

Flaiz, "Is that defensible regulating it as an accessory structure? I look at the thing next to the Cleveland Browns Stadium & there's a new one on 480. Personally I wouldn't want to see any of those anywhere in the village, other than if they took down the power lines that were in the CEI right-of-way, maybe. My question, is our current zoning for an accessory structure, is it defensible if somebody wants…" Ondrey, "Yes I think it probably is defensible now. The difference would be, remember with cell towers the federal government jumped in & said local control is not going to happen. You've got to allow them somewhere in your community. The other issue was the adult book stores & zoning. We learned, by court cases, you couldn't prohibit them entirely. You had to allow some place. That's because they interpreted that as a form of free speech."

Ondrey, "To my knowledge right now, wind turbines don't enjoy any court or legislative created protection. If we prohibited them, we probably could find justification for that like communities that completely prohibit meat processing places or asphalt plants. The reason I brought it up is since we don't prohibit them, maybe we're smart to get on top of them & regulate them."

Brett, "I wouldn't be opposed to them in certain spots. As you head south on 306, the last property at the Bainbridge/South Russell border has 15 acres. There's a barn there. If a turbine was behind that & the tippy top of the blades were 10' higher than that, I wouldn't find that unappealing. If someone lives in a residential area, it just doesn't seem like it fits. Or if it fits, it has to be pretty small. If it's pretty small, it's not going to do anything."

Sutliff, "I'd be inclined to prohibit them in South Russell. I think it's defensible right now without going through a lot of new legislation. It's an accessory structure." Ondrey, "If someone came in & said I'm going to put a radio tower in my backyard for short wave radio, we would allow that wouldn't we?" Hocevar, "Not if it is over 15'." Flaiz, "What if I wanted to put an antenna on my house? How high can I go?" Hocevar, "Theoretically, you couldn't go much higher because we've got stipulations on the roof height. The last thing that goes on that roof is what we count."

Ondrey to Hocevar, "If someone in the industrial area came in & said I want to put a tower, not a wind turbine, but a radio tower, you're telling me we wouldn't allow it now." Hocevar, "We had an application for one. We turned it down." Ondrey, "As long as we aren't allowing some other kind of tall structure, but prohibiting wind turbines, I think we'd be ok."

DiMichele, "I think we are protected now. I think we have to be open to it in the future. We can't close our eyes to new things in the future, new alternatives." Sutliff, **"My inclination is to leave it the way it is." Brett agrees. Ondrey, "ok."**

Foley, "They are not as noisy as you would think. It surprised me how little noise they make." He saw one in the country about 500' away from him. Foley, "It was amazing. There was not much noise. It was fairly quiet. I was out in the middle of nowhere."

Foley, "A couple of months ago, we had a community meeting in Madison. The discussion was about wind farms. There has been a lot of discussion in Lake County about wind farms along the lake. No conclusion was reached. You really wonder about the economics of these things. It's a huge investment with a questionable return. You talk about a wind mill & you think about something picturesque. They are for commercial purposes. It's hard to believe people would want to put up a wind mill at their house. With the investment, they'd never get the return."

Flaiz, "Kenston High School is putting one up." Hocevar, "They're treating it as a conditional use. It's in Auburn. They have nothing to prohibit it."

OLD BUSINESS: nothing
NEW BUSINESS:
-Chagrin Yoga, 524 East Washington St. Robin Peavy

Hocevar, "An extension, an increase of floor space for the yoga studio. They are going to take a store next door. (at old Milbar property) Do you want it to come in front of PC because of additional square footage? According to development review, they are supposed to come here because of expanse of use. It's up to you if you want to look at it. They will have to put up a $250.00 deposit, make an application, come before PC & tell you what they want to do with that floor space. The original $250.00 deposit has already been returned to them. I can give them another zoning permit or amend the existing zoning permit."

PC doesn't feel the yoga place needs to come back. Ondrey, "I think they have to come back to PC unless you make a motion tonight, waiving the requirement that they return for expansion of their existing use." **Flaiz, "I make a motion that they can make an application. We waive the requirement that they return for expansion of the existing use & we waive the $250.00 deposit. They don't have to personally appear." Brett second. Roll call: all ayes. APPROVED**

-Panini's, 540 E. Washington St. hopes to open 3-17-10
-Next Meeting: 3-11-10 at 7:30 p.m. Tripp not available. If the only item on the agenda is the 2 zoning revisions: personal services & definitions for streamers, pennants & banners, the meeting will be cancelled. PC would then meet 4-8-2010 at 7:30 p.m.

There was no further business. The meeting adjourned at 8:25 P.M.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

-PC. from Ondry 2-17-10
#2 agenda item
review current
Zoning at MILBAR prop't.
530 E Wash

Add to the definition of "Personal Services" the following:

Services for personal development such as dance studios, yoga, or cooking classes and similar private education uses, including daycare.

p.11, (86) personal Servi
Ondry to delete hat & ~~insert~~ insert
Electronics

(pp. 4 given.)

Currently: def. of
Personal Services
in Zoning book pp. 11
(86)

def. of Retail pp 12 & 13
(103)

2:50

#2 on agenda
PC 2-17-2010

(82) Outdoor Sales: Permitted retail sales outside of a structure.

(83) Owners Association: An organization of all owners in a condominium property provided for by Chapter 5311 of the Ohio Revised Code.

(84) Parking Space: An open or enclosed area accessible from a street or access drive for parking the motor vehicles of owners, occupants, employees, customers or tenants of the main structure or use. Each space shall be at least nine feet wide and include at least 180 square feet, excluding drives, curbs and turning space. The number of spaces shall be determined from an accurate plan of the area. Where the computation of required spaces results in a fraction, one additional space shall be provided.

(85) Parks: Public or common land proposed for dedication or permanent assignment as outdoor recreation land.

Retail is on p12 (103)

(86) Personal Services: Services such as beauty and barber shops and interior decorating. Laundries, laundromats, tailoring, pressing and drycleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products. computers electronics

(87) Pole Sign: "Pole sign" means a sign supported by a pole or poles, which are placed upon the ground and are not a part of any building, the bottom which sign is at least 3 feet above ground or grade level.

(88) Political Sign: A temporary sign advocating action on a public issue or candidate for public office. Such signs shall be removed within ten (10) days following the election or as otherwise provided by the Ohio Revised Code.

(89) Ponds: Any body of water having a surface of less than one acre.

(90) Private Cluster Residential Development: A development at least fifty acres in size of single family detached dwellings located on private sublots known as Envelopes, generally clustered on private spur roads, or located adjacent to common areas abutting public streets with the balance of the development held for the benefit of all Envelope owners in common land, which may be developed in the district zoned R-2, Residential, Multi-family. (Added by Ord. No. 1992-8, passed 02-24-92)

(91) Private Garages: Enclosed structures attached or detached to the main use used exclusively for the storage of automobiles owned by the occupants of the main use.

(92) Private Land: Land which is attached and permanently assigned to a privately-owned structure or use, including common land.

(93) Private Pool: A swimming pool maintained for the sole use of a household and guests without charge for admission and located as an accessory use to a dwelling.

#1 agenda item on
PC 1-14-2010
current zoning at former mill Bar

CHAPTER 5

BUSINESS DISTRICTS

5.00 INTENT - Business districts and their regulations are herein established to achieve among others, the following purposes:

(a) To provide for the following district in appropriate locations and of sufficient size for the exchange of goods and services and other business activities to serve neighborhood needs for retail goods and services which do not attract large volumes of traffic.

(b) To protect adjacent residential uses by controlling the use, spacing, intensity, height and architectural design of structures and the overall development of business sites.

(c) To promote the most desirable land use and traffic patterns. (Ord. 2001-19).

(d) To create a Limited Office District (B-4) in areas presently zoned residential which are in between zoned and developed business districts and zoned and developed residential districts, to provide a buffer zone between the two districts and to allow for business uses giving the impression of residential use and eliminating the hazards, inconvenience, and possibility of property value detraction ordinarily attendant to mixtures of business and residential uses in semi-rural settings.

5.01 USE REGULATIONS - In business districts, structures and land shall be used, and structures shall be erected, altered or moved in whole or in part, only according to the following regulations:

DISTRICT	MAIN PERMITTED USE	ACCESSORY USE	CONDITIONAL USE
B-1	Residential (R-1-A) Offices Retail Personal Serv.	Structures, Outdoor Sales, Parking, Loading Signs	Residential, Gas Stations, Restaurant, Commercial Amusements, Automotive Sales, Mortuaries, Wireless Telecommunications Facility (Ord. 1997-29)
B-2	Residential (R-1-A) Offices Personal Serv.	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29) Bed and Breakfast (Ord. 2001-19)
B-3	Residential (R-1-A) Medical Services	Structures Parking Loading Signs	Wireless Telecommunications Facility (Ord. 1997-29)

#1 agenda item on
PC1-14-~~09~~ 2010
- current zoning at former
MILBar prop. 530 E. Washington St

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
MARCH 11, 2010
7:30 P.M.

1. ROLL CALL: **Flaiz, Brett, DiMichele**

2. MINUTES: 2-17-2010 **approved**

3. AGENDA: **Brett made a motion to elect Jim Flaiz as Vice Chairman of PC. DiMichele second. Roll call: all ayes. APPROVED**

1. Development Review with Bill Chilton. He wants to open a 24/7 fitness center called Snap Fitness at 524 East Washington Street; units: B,C, D (the old Milbar property) **Brett, "I make a motion that we accept the application for Snap Fitness, 24/7 gym for the 524 East Washington units B, C & D." DiMichele, second. Roll call: all ayes. APPROVED**

2. Continue to discuss, review current zoning at former Milbar property (530 East Washington St.) Ondrey will present his new version of the definition for Personal Services (86) Pp. 11 zoning code. **Continue to discuss at next meeting**

3. Continue: banners, pennants, & streamers; Ondrey will present the newly incorporated definitions that will be in the zoning code, from Fairfield. He will present the language he wrote showing that streamers are prohibited in the B-2 districts. **Continue to discuss at next meeting**

4. OLD BUSINESS: Panini's 540 E. Washington, hopes to open 4-1-10

5. NEW BUSINESS: **Next meeting: April 8, 2010 at 7:30 p.m.**
Article in PD today about "green" house at 1092 Bell; intend to have tours

6. ADJOURN: **8:20p.m.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
RECORD OF PROCEEDINGS
MARCH 11, 2010
7:30 P.M.

MEMBERS PRESENT: Vice Chairman Jim Flaiz, Mayor Matt Brett, Janice DiMichele

OTHER OFFICIALS: David Hocevar, Building Commissioner, David Ondrey, solicitor

ABSENT: Walter Sutliff, Ike Tripp, Ned Foley, engineer

GUESTS:
Bill Chilton, Snap Fitness, 524 East Washington St. home: 8484 Evergreen Dr. Sagamore Hills, Oh. 44067

Brett made a motion to elect Jim Flaiz as Vice Chairman of PC. DiMichele second. Roll call: all ayes. **APPROVED**

Flaiz called the meeting to order at 7:40 p.m. The minutes from 2-17-2010 were approved.

#1. Development Review with Bill Chilton. He wants to open a 24/7 fitness center called Snap Fitness at 524 East Washington Street; units B,C, D (the old Milbar property)

Mr. Chilton handed out packets describing Snap Fitness.

Chilton, "My wife, Kristen, & I are very excited to open up a 24/7 gym in Russell Township. The concept is not new to the market, but it is unique from a perspective of how you go about gaining customers to live healthier & happier lifestyles. Snap Fitness has been around since 2003. It is based out of Chanhassen, Minnesota. They are a global fitness provider; over 2,000 locations worldwide. There is a big national presence with over 1,200 locations across the US. The 24/7 fitness concept is appealing to those folks who may have hectic lifestyles & would like to get in & out of a gym that's clean & affordable & get a good workout."

Chilton, "My wife & I have been in the business, in sales, marketing & I've been in training & development, for 16 years. We've reached a point in our lives where we want to do something for ourselves. Being big fitness buffs that we are, we decided this

is the right fit for us. We did some work with local markets to see where there were communities that are potentially underserved, that had a great community base & active lifestyles. The Chagrin/Bainbridge community was one of our primary targets. We set out to get a facility in this location."
Bill answers questions from PC:

# of employees: beside Kristen & Bill, there will be two part time employees. They will run the desk, greet new customers, give tours of facility, enroll members & manage some of the administrative pieces of the business. Bill & Kristen plan on being the sole full time employees.

Location: B, C, & D units are next door to Chagrin Yoga.

After 11:00 p.m. no employees. It's locked down. 24 hour access is available through key card entry. Not only after 11:00 p.m. but also during middle of the day, depending on staffing, there could be members there without a staff member. This has been running sine 2003 & all of these locations have surveillance cameras & the keyless entry. There are few to no liabilities that have occurred or insurance claims at this point. It is protected with surveillance cameras & my wife & I could watch the facility from our home through internet connections."

Flaiz to Hocevar, "Do we limit business hours in the Village?" Hocevar, "No, never did." Ondrey, "You have the ability to. But, we don't have anything in place." Ondrey to Chilton, "If you were to be told that the permission was only extended to midnight, would they allow you to open the franchise?" Chilton, "I don't believe so. They are 24/7 everywhere."

Square footage of B, C, D: 3,570 square feet. Snaps profile, the business model, caters towards 2,000 up to about 3,600 square feet as a footprint for most clubs. They position themselves not as a big box or a Bali's more like an in community, smaller footprint, health club to get in & out of. The equipment is what you would see in a big box club. There are two equipment providers that are top of the line in the industry: Matrix & Sideback 2. They are the equipment of choice for our facility.

DiMichele, "It's people going in & working out on the equipment. There is no personal training, no one-on-one." Chilton, "There is personal training. My club will operate under independent personal trainers that I hire. They will be partners with me in business. I am also a certified personal trainer. That is something we will offer; personal training. As far as classroom exercise, group exercise, no that is not part of the Snap model. They have a full compliment of cardio-equipment including treadmills, ellipticals, standard bikes."

Flaiz, "Is this just going to be exercise equipment or are you going to have sauna, showers, locker room?" Chilton, "There will be two changing rooms in the rest rooms, no shower facilities. There are cubbies that people put their belongings in. It's geared toward ease of access, the convenience of getting in & out. The club does have the option to install a tanning bed in there. We are going to opt against that for several reasons: personal beliefs & the state of Ohio is going to have stringent regulations around tanning."

Maximum # of people at location at any given time: some research shows 15-35 people at any given time, 100 visits per day. In the course of a day with peak hours, the maximum is 15-30 people. Peak hours are 4:00 p.m. to 7:00 p.m. & in the morning between 7:00 a.m. to 10:00 a.m. Less than 1% of the people work out after 11:00 p.m. That's in any 24/7 facility.

Brett is surprised that research shows that the area is underserved. It seems several new workout facilities of different types have opened within the last year or two. Chilton, "One of the big competitors in the area is Elite Fitness. That is a 13,000 square foot facility. When we talk about underserved, it's the market that combines affordability with the strength & cardio equipment & the open gym access. A lot of personal training boutiques & yoga fit together. They have limited memberships, higher prices. Not everybody wants personal training. A lot of people want to go into a gym & just be able to work out, engage with the equipment on their own with some guidance from a personal trainer or instruction based on a web page & get out of the gym."

Brett, "Is there a synergy between yoga & Snap Fitness?" Chilton, "I sure hope so. In my mind there is. The intent is to create some nice relationships between folks that like to get the flexibility side of yoga combined with the strength training of cardio benefits that our club would offer."

Retail sales? Juice bar? Chilton, "A poor man's version of a juice bar; there will probably be a self serve fridge with a kitty box on top of it. It would have water bottles, protein drinks, Gatorades. There is an opportunity to purchase fit wear from Snap Fitness corporate. Hats & shirts might be for sale. Memberships are the primary revenue source for the organization as well as personal training. Like I said, we are not going to get into the tanning side. There is an option to do massage therapy. But we're not going to go down that path either."

Membership costs: average initial price of $40.00. For a single membership between $30.00 & $35.00 with no contract, month to month basis.

Family memberships: $50.00 to $52.00

Couple memberships: husband & wife, could be in the forties

DiMichele, "The only thing I am having trouble with is somebody is there at 3:00 a.m. doing a physical workout with all of this equipment & they get injured. You have security cameras at home, but at 3:00 a.m. you'll probably be asleep. What happens if somebody gets their foot caught in a piece of equipment & they can't reach one of your panic buttons on the wall?" Chilton, "We go pretty far in the design of our equipment & the provider that we use to make sure that the equipment we are purchasing has fail safe mechanisms. For example, you wouldn't have a standard Olympic weight set with a bench without any release bars on it. We would have a set of dumbbells with utility benches so if a person were to get tired, they can drop the dumbbells down to the side. The cardio equipment has all electronic start/stop buttons, panic buttons. If you were to fall off a treadmill, you'd pull the stop & things would cease to work at that point. The

equipment that would work from the strength training perspective is designed so that the moving part of the machines are enclosed in protective cases. Clothing, fingers & toes are not part of that interaction. The manufactures of Snap & who they partner with have worked hard to make sure they eliminated as many barriers as they could."

Brett refers to last page of the handout (6) Nighthawk Security provides necklaces which dial a live operator. "I envision if you go there afterhours, you have the option to wear something around your neck & if you have problems, you can hit it." Chilton, "There is an option that we can purchase additional pendants for folks to operate."

Timing: take occupancy around May 1, 2010. Build out to take 30 to 60 days. Target open date: around July 1, 2010

Development Review; things to consider: Ondrey, "It's limited to traffic patterns i.e. circulation. Additionally, if it is harmonious to subdivision regulations. That's not applicable. It won't adversely affect neighboring properties. The plan of the development provides for an integrated & harmonious design of buildings & structures & for internal traffic circulation, off street parking & loading, landscaping & lastly about adequate water supply." (p. 17 of zoning code) Brett, "It doesn't feel like it's going to adversely affect businesses there. It'll probably bring value. I think there is synergy between yoga & a fitness facility like that. It seems to fit in well with the existing setting. The traffic pattern seems pretty straightforward. There's water."

Brett, "I'd be in favor of moving forward with this." DiMichele, "I agree. I think it's great." Ondrey, "The challenge has been whether or not that this is a permitted use in this industrial, B-1 district. We have interpreted it to allow similar kind of uses like yoga & we're contemplating passing some legislation which will clearly make it permissible. That's the only issue that you would have to struggle with still."

Ondrey, "What happens if 16 teenagers show up on a Friday night? Their families are members. They are working out at one time & they are a little on the wild side. Is there going to be any supervision? How would you handle something like that?" Chilton, "I don't know off the top of my head. I believe I read if you are under the age of 18, you must be accompanied by an adult. That's what I am intending to enforce." DiMichele, "How do you monitor that in the middle of the night? If one kid's family belongs & 6 of his friends say, I've got a great idea & somebody opens the door & they all go in." Chilton, "That is where the videotape comes in. If it happens one time, it's addressed. It won't happen a second time because those families & their memberships would be dealt with accordingly."

Hocevar's thoughts: "I think it's a good idea."

Brett, "I make a motion that we accept the application for Snap Fitness, 24/7 gym for the 524 East Washington units B, C, & D." DiMichele, second. Roll call: all ayes. APPROVED

Ondrey, "At one point you mentioned Russell Township. It's South Russell Village, which means there is an income tax. Sometimes folks think they are in the township or Chagrin Falls. It's an issue that you want to be mindful of, so you don't miss that." Chilton, "OK. I appreciate that."

#2. Continue to discuss, review current zoning at former Milbar property (530 East Washington St.) Ondrey will present his new version of the definition of Personal Services (86) Pp. 11 zoning code

Handout from Ondrey: **ORDINANCE AMENDING SECTION 2.01 (86) OF THE ZONING CODE CONCERNING THE DEFINITION OF "PERSONAL SERVICES"**

Ondrey, "In reading the minutes & my own recollection, there are two issues. I've thrown them both into the definition, but I'm not 100% sure you are ok with it. In addition to dance studio & yoga, I put in fitness centers. I put in tanning salons. It wasn't 100% clear to me whether that was something you definitely wanted or not. I tried to differentiate & said 'services for personal assistance such as daycare for children'. As I thought about it, daycare is different than some of these services. I made it clear that we are allowing daycare for children, but not the boarding of animals."

DiMichele, "Will we get into conflicts because pet stores are an approved use?" Ondrey, "Pet stores come under the retail provisions, which are already allowed." Ondrey, "I added furniture repair. I'm not 100% certain if you wanted it or not. We took out the hat & changed the radio & television to electronics. The furniture repair is really allowed here under the I-1, B-1. So the furniture wouldn't be precluded from going into this site even now."

Ondrey, "If you'll notice in the dry-cleaning, tailoring, pressing, it's made clear, 'only non-explosive & non-flammable solvents are used'. That was important when they wrote that. Furniture repair is probably going to involve solvents that may be flammable. That's how they strip it & stain it. Maybe you don't want furniture in the personal services. In the end, it doesn't make much difference because in that location they are going to be able to put it in anyway because of the industrial zone."

Under dry-cleaning, it says, 'provided no work is done on the premises for retail outlets elsewhere'. Ondrey doesn't know what the point of that was.

Flaiz, "The only thing I don't like is tanning salons. When I think of that in there, do we want a tattoo parlor?" Ondrey, " 'and similar uses'." Flaiz, "To me tanning salons opens the door to other things. Under this new definition, would a tattoo parlor be permitted?" Ondrey, "I think it's that gray area where you might decide that's not personal improvement. In the middle of Chardon square is a tattoo parlor. It hasn't caused any problems to my knowledge." Downtown Willoughby has had one for 35 years.

Ondrey, "Even if you delete tanning salons, I think the argument is still there. We could put in, excluding tattoo parlors." Brett, "That's defensible?" Ondrey, "Probably. You could argue that it's got some health related issues & attracts a different kind of customer that you don't find is compatible with these other personal services. I don't know how fair a judgment that is. If he (Chilton) had intended to put a tanning salon in his fitness center & apparently that franchise encourages them, what would

your reaction have been?" DiMichele, "So be it. I don't have to go to it." Flaiz, "I wasn't objecting to that so much. It just opens the door." Ondrey, "I would say the door is already open when you are talking about personal services. You are saying that you are going to allow yoga classes & cooking classes & fitness centers. I'm not sure how you would rationally distinguish with a tattoo parlor."

Brett, "Under Development Review, could one argue that a tanning salon would adversely affect the neighboring businesses?" Ondrey, "I don't know how it could." Brett, "If you say a tattoo parlor would adversely affect the yoga studio. Assuming the PC agreed, under that reason, could we reject a tattoo parlor?" Ondrey, "Certainly that is one of the standards for your approval of a Development Review. You'd have to have evidence that a tattoo parlor really is going to adversely affect these adjacent businesses. That might be a tough piece of evidence."

Brett, "I think Wally has been supportive of this (a revision of the definition for personal services). I'd like to have Wally plugged into this. Ike hasn't been involved in any of these discussions. I'd prefer that we wait on them. We're going to put both of these before Council. (agenda items: #2 personal services & #3, revise definition of banners, pennants & streamers) It feels like we want to do both of these at the same time.
CONTINUE TO DISCUSS AGENDA ITEM #2 AT NEXT MEETING

 # 3. Continue: banners, pennants & streamers; Ondrey will present the newly incorporated definitions that will be in the zoning code, from Fairfield. He will present the language he wrote showing that streamers are prohibited in the B-2 districts.

Handout from Ondrey: **ORDINANCE AMENDING SECTIONS 2.01, 5.06(a) AND (b), AND 6.06 OF THE ZONING CODE BY DEFINING "BANNER", "PENNANT" AND "STREAMER" SIGNS AND PROHIBITING STREAMERS IN THE BUSINESS AND INDUSTRIAL DISTRICTS.**

Ondrey refers to section, '**Whereas,** streamers tend to represent a garish, attention diverting form of advertising…' Ondrey, "I was thinking, how are we going to justify these things in commercial areas? In reality, your commercial signage is quiet & conservative. The justification is, this is going to be detracting from your traditional approach that you have in the commercial districts."
CONTINUE TO DISCUSS AGENDA ITEM #3 AT NEXT MEETING

OLD BUSINESS: Panini's, 540 E. Washington, hopes to open 4-1-10. No fire inspection to date. They aren't ready for that yet. Hocevar guesses that they will hire 20 or more people.

NEW BUSINESS: An article in today's Plain Dealer, section E, about the "green" house that's being built at 1092 Bell. Also at Cleveland.com. Owners (Marshall) intend to have open house/tours. Currently on the property, there is a farm house & cottage. Once the green house is completed, these two buildings will be sold.

Next meeting: Thursday, April 8, 2010 at 7:30 p.m. PC will meet to review & hopefully approve the ordinances that Ondrey prepared: new definition of personal services & banners, streamers & pennants.

There was no further business. The meeting adjourned at 8:20 p.m.

Jim Flaiz, Vice Chairman

Maggie Tomaro, secretary

P.C. 3-11-10
Plan Chg
personal services

ORDINANCE NO.: 2010-

INTRODUCED BY:

FIRST READING
SECOND READING
THIRD READING
PUBLIC HEARING

ORDINANCE AMENDING SECTION 2.01(86) OF THE ZONING CODE CONCERNING THE DEFINITION OF "PERSONAL SERVICES".

WHEREAS, "Personal Services" have traditionally been permitted in B-1 and B-2 zoning districts within the Village of South Russell; and

WHEREAS, the range of personal services available to the public has changed and increased thereby making it desirable to alter the definition of "Personal Services" in the Zoning Code to reflect such changes; and

WHEREAS, the Planning Commission has recommended amending the definition of "Personal Services".

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

SECTION 1: Section 2.01(86) of the Zoning Code shall be amended to define "Personal Services" as follows:

> Services such as beauty and barbershops and interior decorating. Laundries, laundromats, tailoring, pressing and dry-cleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, furniture, household appliances, and electronics repair for consumer oriented products. Services for personal development such as dance studios, yoga, cooking classes, fitness centers, tanning salons, and similar uses. Services for personal assistance such as daycare for children, but not the boarding of animals.

SECTION 2: Current Section 2.01(86), the full text of which follows, is hereby repealed:

> Services such as beauty and barbershops and interior decorating. Laundries, laundromats, tailoring, pressing and dry-cleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products.

from Onley 3-11-10
Cont. of personal
services

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.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2010- was duly enacted on the _____ day of _____, 2010, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

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PC. 3-11-10
from Ordinance
banner, pennant

ORDINANCE NO.: 2010-_____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____
PUBLIC HEARING _____

ORDINANCE AMENDING SECTIONS 2.01, 5.06(a) AND (b), AND 6.06 OF THE ZONING CODE BY DEFINING "BANNER", "PENNANT" AND "STREAMER" SIGNS AND PROHIBITIING STREAMERS IN THE BUSINESS AND INDUSTRIAL DISTRICTS.

WHEREAS, the use of banners and pennants of various sizes, colors, and materials for advertising commercial activities has become widespread; and

WHEREAS, the Zoning Code does not define what constitutes a "banner" or a "pennant"; and

WHEREAS, the use of a series of banners, pennants, or other shaped cloth, canvas, plastic sheet, or other pliable material, including tinsel, attached to a line such as a rope or wire, is commonly known as a "streamer"; and

WHEREAS, streamers tend to represent a garish, attention diverting form of advertising inconsistent with the subtle, traditional, and limited commercial signage in the Village; and

WHEREAS, the Planning Commission has recommended that streamers be prohibited in the business and industrial zoning districts of the Village in order to protect the value of current commercial properties and to promote the public health, safety and general welfare.

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

SECTION 1: Section 2.01 of the Zoning Code shall be amended by adding the following terms and definitions, in alphabetical sequence:

Banner: A piece of cloth, canvas, plastic sheet or other pliable material which serves as a sign.

Pennant: A long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material serving as a type of sign.

Streamer: A series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material, including tinsel, attached to a line such as a rope or wire.

from Oney 3-11-10
Def. of Banners
Pennants

SECTION 2: Section 5.06(a) shall be amended by adding a new paragraph "6" which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 3: Section 5.06(b)1 shall be amended by adding new paragraph (e) which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 4: Current Section 6.06 of the Zoning Code shall be amended by adding new paragraph "6" which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 5: 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 6: This Ordinance shall take effect and be in full force at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2010-____ was duly enacted on the _____ day of _____, 2010, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

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PC 3-11-10
+4-8-10

ORDINANCE NO.: 2010-_____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____
PUBLIC HEARING _____

ORDINANCE AMENDING SECTION 2.01(86) OF THE ZONING CODE CONCERNING THE DEFINITION OF "PERSONAL SERVICES".

WHEREAS, "Personal Services" have traditionally been permitted in B-1 and B-2 zoning districts within the Village of South Russell; and

WHEREAS, the range of personal services available to the public has changed and increased thereby making it desirable to alter the definition of "Personal Services" in the Zoning Code to reflect such changes; and

WHEREAS, the Planning Commission has recommended amending the definition of "Personal Services".

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SECTION 2: Current Section 2.01(86), the full text of which follows, is hereby repealed:

> Services such as beauty and barbershops and interior decorating. Laundries, laundromats, tailoring, pressing and dry-cleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products.

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.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2010- was duly enacted on the _____ day of _____, 2010, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

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PC 3-11-10
+ 4-8-10

ORDINANCE NO.: 2010-_____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____
PUBLIC HEARING _____

ORDINANCE AMENDING SECTIONS 2.01, 5.06(a) AND (b), AND 6.06 OF THE ZONING CODE BY DEFINING "BANNER", "PENNANT" AND "STREAMER" SIGNS AND PROHIBITIING STREAMERS IN THE BUSINESS AND INDUSTRIAL DISTRICTS.

WHEREAS, the use of banners and pennants of various sizes, colors, and materials for advertising commercial activities has become widespread; and

WHEREAS, the Zoning Code does not define what constitutes a "banner" or a "pennant"; and

WHEREAS, the use of a series of banners, pennants, or other shaped cloth, canvas, plastic sheet, or other pliable material, including tinsel, attached to a line such as a rope or wire, is commonly known as a "streamer"; and

WHEREAS, streamers tend to represent a garish, attention diverting form of advertising inconsistent with the subtle, traditional, and limited commercial signage in the Village; and

WHEREAS, the Planning Commission has recommended that streamers be prohibited in the business and industrial zoning districts of the Village in order to protect the value of current commercial properties and to promote the public health, safety and general welfare.

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

SECTION 1: Section 2.01 of the Zoning Code shall be amended by adding the following terms and definitions, in alphabetical sequence:

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Pennant: A long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material serving as a type of sign.

Streamer: A series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material, including tinsel, attached to a line such as a rope or wire.

SECTION 2: Section 5.06(a) shall be amended by adding a new paragraph "6" which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 3: Section 5.06(b)1 shall be amended by adding new paragraph (e) which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 4: Current Section 6.06 of the Zoning Code shall be amended by adding new paragraph "6" which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 5: 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 6: This Ordinance shall take effect and be in full force at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2010-____ was duly enacted on the _____ day of _____, 2010, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

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VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
APRIL 8, 2010
7:30 P.M.

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

2. MINUTES: MARCH 11, 2010 **approved**

3. AGENDA:

1. Continue to discuss, review current zoning at former Milbar property (530 East Washington St.) Review ordinance that Ondrey prepared & hopefully vote on it: **ORDINANCE AMENDING SECTION 2.01 (86) OF THE ZONING CODE CONCERNING THE DEFINITION OF "PERSONAL SERVICES".**
Brett, "I move to recommend the ordinance to Council." DiMichele second. Roll call: all ayes. APPROVED

2. Continue: banners, pennants & streamers. Review ordinance Ondrey prepared & hopefully vote on it: **ORDINANCE AMENDING SECTION 2.01, 5.06 (a) AND (b), AND 6.06 OF THE ZONING CODE BY DEFINING "BANNER", "PENNANT" AND "STREAMER" SIGNS AND PROHIBITING STREAMERS IN THE BUSINESS AND INDUSTRIAL DISTRICTS.**
Brett, "I move that we recommend this ordinance to Council." Flaiz second. Roll call: all ayes. APPROVED

4. OLD BUSINESS: Panini's 540 E. Washington St hopes to open 5-1-2010

5. NEW BUSINESS: **NEXT MEETING: MAY 13, 2010 AT 7:30 P.M. if someone comes to PC for development review. Otherwise the meeting will be postponed to June 10, 2010 at 7:30 p.m.**
-Hocevar: height of accessory structures is 15'. There have been variance requests to build them higher. Hocevar will look at other communities to find out what the heights are for accessory structures & report to PC.
-Hocevar: inquiries are being made regarding the property zoned for assisted living on 306, south of village hall. Person who inquired is thinking about a home for single woman & their children. Hocevar informed the people that they'd have to appear before PC who would decide whether or not to change zoning.

6. ADJOURN: **7:40 p.m.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
RECORD OF PROCEEDINGS
APRIL 8, 2010
7:30 P.M.

MEMBERS PRESENT: Chairman Walter Sutliff, Mayor Matt Brett, Janice DiMichele, Jim Flaiz

OTHER OFFICIALS: David Hocevar, Building Commissioner, David Ondrey, solicitor

ABSENT: Ike Tripp, Ned Foley, engineer

GUESTS: none

Sutliff called the meeting to order at 7:25 p.m. The minutes from 3-11-2010 were approved.

#1. Continue to discuss, review current zoning at former Milbar property (530 East Washington St.) Review ordinance that Ondrey prepared & hopefully vote on it: ORDINANCE AMENDING SECTION 2.01 (86) OF THE ZONING CODE CONCERNING THE DEFINITION OF "PERSONAL SERVICES".

Ondrey, "We tinkered & tinkered & now is it to your satisfaction? One unintended consequence that we have to make sure that we are all aware of; we started out this venture because of the issues that are going on at the old Milbar building. It seemed to be the easiest way to fix the ambiguity about what types of uses could go into that building was to deal with this definition of personal services. It is a B-1 district along with industrial. We have to remember that by changing the definition of personal services, we are also affecting this intersection right here. (306 & Bell Rd.) Personal services is also permitted in the B-2. I'm not sure we thoroughly aired that out. We have to remember that not only will these uses be permitted at the Milbar property & adjacent property, but if we did this, they will be permitted around this corner."

Hocevar, "That district down there on East Washington Street is I-1, B-1. If you took out the B-2, you'd be pertaining to the eastern part of the village if that is the concern, just that area." Ondrey, "I agree with you. The problem is the way we went off on this. We decided to amend the definition of personal services." Hocevar, "I get what you mean." Ondrey, "Personal services are allowed in both B-1 & B-2."

Sutliff, "Is there anything in this that would be objectionable up here? (306 & Bell Rd.) Brett, "I don't think so. I think it's a good call that you bring that to the board's attention. I don't see anything on there that I would be concerned about for this intersection. I am good with the language that is in here at this point." Sutliff agrees.

DiMichele, "The vet at the shopping center, they don't board animals there?" Hocevar, "No. They don't board them, as far as leave them there for a week. The night of the surgery, they stay." DiMichele, "That shopping center is included in what we're talking about now." Hocevar, "Right." Brett, "If they did, they would be grandfathered in. Correct?" Ondrey, "I think the shopping center is its own unique animal. My understanding is before any of our time there were some strange happenings with the shopping center that it didn't get zoned right." Hocevar, "That thing existed before our zoning. When we changed our zoning, we tried to change what their useses were. They said no. There was a lawsuit." Ondrey, "So it may be different than a normal B-2. There are probably uses over there …" Hocevar, "That don't even fit there. When the vet came before PC that was one of the stipulations that they could not board animals there unless some kind of medical attention is given to them where they require overnight care."

Brett, "If PC moves forward with this tonight, it then goes to Council. It would have three readings & a public hearing would be required." Ondrey, "Correct."

Brett, "I'm in favor of moving forward with it." Sutliff agrees. Prior to the meeting, the secretary sent a copy of both of the proposed ordinances to Tripp. He called & said he was in favor of the proposed ordinances.

Brett, "I move to recommend the ordinance to Council." DiMichele second. Roll call: all ayes. APPROVED

#2. Continue: banners, pennants & streamers. Review ordinance Ondrey prepared & hopefully vote on it: ORDINANCE AMENDING SECTION 2.01, 5.06 (a) AND (b), AND 6.06 OF THE ZONING CODE BY DEFINING "BANNER," "PENNANT" AND "STREAMER" SIGNS AND PROHIBITING STREAMERS IN THE BUSINESS AND INDUSTRIAL DISTRICTS.

Hocevar, "I think it's a step in the right direction." Brett, "Is there something else you would recommend right now?" Hocevar, "Not right now. I think it is a lot better than what it was." **Brett, "I move that we recommend this ordinance to Council." Flaiz second. Roll call: all ayes. APPROVED**

OLD BUSINESS: Panini's, 540 E. Washington Street hopes to open 5-1-2010.

NEW BUSINESS:

Hocevar, "One time I brought up to PC if you wanted to increase the height of our accessory structures, which is 15' now. We've had a number of variances go through. It's not hard to do especially with an accessory structure, with a decent roof line that matches the existing home. If the board wants to take a look at that to see what is realistic. I know that was put into zoning way before I came in. It was because of the height of all the homes.

Hocevar, "Would PC like me to go around & look at different communities & find out what the average is on accessory structures? I can do that & bring it to the next meeting. "

Sutliff, "Have there been many variances requested?" Hocevar, "Yes. We've had a number of them." Bret, "ZBA does get them. Probably 3 or 4 times a year?" Hocevar, "Yes, I'd say that's a good guess." Sutliff, "Are they typically approved?" Hocevar, "Yes." Ondrey, "You never get the neighbors complaining." Sutliff, "Typically, what are the variances? Five feet?" Hocevar, "Roughly 4 or 5 feet. They want to get the 19' beam to fit the pitches of the roof." Sutliff, "I personally don't object to it. If you want to do the leg work…" Hocevar, "I'll do it just to see so we aren't going out on a limb."

-Milbar property: all the front units are taken. Signs are mishmash now; they are temporary signs. Hocevar thinks the property owner wants them in unison. Snap Fitness came in with red, white & blue. Hocevar told the Snap Fitness owner that he better go see the property owner because he thinks it's not going to happen.

-The assisted living zoned property on 306, south of Village Hall: a realtor called Hocevar; the property is really being pushed, they are talking about a facility that houses single women with their children. Hocevar told them that they would have to come before PC & PC would decide if it wants a zoning change. As far as Hocevar is concerned, that doesn't fall under elderly assisted living. It is zoned R-3. It is separate all by itself. It is 250 lot width, 35% lot coverage, front yard has to be set back 300', 100' off the side yards, close to 15 acres: 5 in the front, 10 in the back. It's a funny configuration. The assisted living is 10 acres. Sewers are there; no water.

-Brett to Hocevar, "Are the tenants that will go into 524 East Washington, are they on time for getting in?" Hocevar, "The software company just poured the concrete floor last week. Their plan is still being reviewed by a commercial reviewer. The fitness center is going to be a little more involved. The yoga studio is going to expand.

The next meeting is scheduled for May 13, 2010 at 7:30 p.m. if someone comes to PC for development review. Otherwise the meeting will be postponed until June 10, 2010 at 7:30 p.m.

There was no further business. The meeting adjourned at 7:40 p.m.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

Personal-services zoning gets expanded

By JOAN DEMIRJIAN

Some new uses are being included in South Russell Village's definitions of personal services. Village Council recently approved the planning commission's changes to the definition of personal services.

Personal services traditionally have been permitted in the business districts in the village, including along East Washington Street.

Over time, the range of personal services available to the public has changed and increased, according to an ordinance approved by council that amends that section of the zoning code.

The changes make it desirable to alter the definition of personal services in the zoning code, officials said.

Personal services have been defined as beauty and barber shops, laundry services, tailors, hat and shoe repair and repair of household appliances, Councilman James Flaiz said. "We wanted to update it," he said.

Fitness centers and yoga were approved, "because we felt they were personal services," Mr. Flaiz said.

The zoning now includes electronic repairs and services for personal development, including dance, yoga, cooking, fitness, tanning salons and similar uses.



Photo by Itamar Gat

South Russell Village Council expanded the zoning changes for personal services and will include the former Milbar property on East Washington Street.

Services for personal assistance such as day care for children are included, but not boarding of animals, Mr. Flaiz said.

An individual wanted to open a dog boarding and dog day-care facility, and that created a debate for the planning commission, he said.

The dog-boarding issue came before the planning commission a few months ago, Mr. Flaiz said.

A public hearing was held, and ultimately, the members felt it was not allowed in the village's zoning.

After review, Building Commissioner David Hocevar also determined that boarding animals was not included in the personal services definition and denied the application.

The new uses approved for the former Milbar property on East Washington Street already were within the existing personal services definition, Mr. Flaiz said. "But we thought it was a good idea to update them," he said.

As to the businesses in the spaces now, a yoga studio is expanding. The area on East Washington Street also has been improved with the reconstruction of a blighted property, Mr. Flaiz said. It now houses a Panini's restaurant.

Mr. Hocevar said the range of personal services was broadened in the village zoning because "it was limited before."

He said a fitness center is going in at the former Milbar building as well as "computer recovery" services.

After the proposal for the dog day-care business, the planning commission decided to fine-tune the definitions, Mr. Hocevar said.

"Boarding of animals is not to be included," he said.

The former Milbar property is zoned for business such as light industry. "It's all occupied now except for a warehouse in the back," Mr. Hocevar said.

PC 3-11-10
+4-8-2010

ORDINANCE NO.: 2010-_____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____
PUBLIC HEARING _____

ORDINANCE AMENDING SECTION 2.01(86) OF THE ZONING CODE CONCERNING THE DEFINITION OF "PERSONAL SERVICES".

WHEREAS, "Personal Services" have traditionally been permitted in B-1 and B-2 zoning districts within the Village of South Russell; and

WHEREAS, the range of personal services available to the public has changed and increased thereby making it desirable to alter the definition of "Personal Services" in the Zoning Code to reflect such changes; and

WHEREAS, the Planning Commission has recommended amending the definition of "Personal Services".

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

SECTION 1: Section 2.01(86) of the Zoning Code shall be amended to define "Personal Services" as follows:

> Services such as beauty and barbershops and interior decorating. Laundries, laundromats, tailoring, pressing and dry-cleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, furniture, household appliances, and electronics repair for consumer oriented products. Services for personal development such as dance studios, yoga, cooking classes, fitness centers, tanning salons, and similar uses. Services for personal assistance such as daycare for children, but not the boarding of animals.

SECTION 2: Current Section 2.01(86), the full text of which follows, is hereby repealed:

> Services such as beauty and barbershops and interior decorating. Laundries, laundromats, tailoring, pressing and dry-cleaning in which only non-explosive and non-flammable solvents are used, provided no work is done on the premises for retail outlets elsewhere. Repair services such as shoe, hat, radio, television, and household appliance repair for consumer oriented products.

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.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2010- was duly enacted on the _____ day of _____, 2010, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

C:\Users\dmoore\Documents\SharePoint Drafts\Personal Services.docx

PC 3-11-10
+4-8-10

ORDINANCE NO.: 2010-_____

INTRODUCED BY: _____

FIRST READING _____
SECOND READING _____
THIRD READING _____
PUBLIC HEARING _____

ORDINANCE AMENDING SECTIONS 2.01, 5.06(a) AND (b), AND 6.06 OF THE ZONING CODE BY DEFINING "BANNER", "PENNANT" AND "STREAMER" SIGNS AND PROHIBITIING STREAMERS IN THE BUSINESS AND INDUSTRIAL DISTRICTS.

WHEREAS, the use of banners and pennants of various sizes, colors, and materials for advertising commercial activities has become widespread; and

WHEREAS, the Zoning Code does not define what constitutes a "banner" or a "pennant"; and

WHEREAS, the use of a series of banners, pennants, or other shaped cloth, canvas, plastic sheet, or other pliable material, including tinsel, attached to a line such as a rope or wire, is commonly known as a "streamer"; and

WHEREAS, streamers tend to represent a garish, attention diverting form of advertising inconsistent with the subtle, traditional, and limited commercial signage in the Village; and

WHEREAS, the Planning Commission has recommended that streamers be prohibited in the business and industrial zoning districts of the Village in order to protect the value of current commercial properties and to promote the public health, safety and general welfare.

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

SECTION 1: Section 2.01 of the Zoning Code shall be amended by adding the following terms and definitions, in alphabetical sequence:

Banner: A piece of cloth, canvas, plastic sheet or other pliable material which serves as a sign.

Pennant: A long, narrow, triangular or tapering cloth, canvas, plastic sheet or other pliable material serving as a type of sign.

Streamer: A series of banners, pennants or other shaped cloth, canvas, plastic sheet or other pliable material, including tinsel, attached to a line such as a rope or wire.

SECTION 2: Section 5.06(a) shall be amended by adding a new paragraph "6" which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 3: Section 5.06(b)1 shall be amended by adding new paragraph (e) which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 4: Current Section 6.06 of the Zoning Code shall be amended by adding new paragraph "6" which shall read as follows:

Streamers: Streamers shall not be permitted.

SECTION 5: 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 6: This Ordinance shall take effect and be in full force at the earliest time allowed by law.

_____
Mayor - President of Council

ATTEST:

_____
Fiscal Officer

I certify that Ordinance No. 2010-____ was duly enacted on the _____ day of _____, 2010, by the Council of the Village of South Russell, and posted in accordance with the Ordinances of the Village.

_____
Fiscal Officer

C:\Users\dmoore\Documents\SharePoint Drafts\Definitig Banner - Pennant - Streamer Signs.docx

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
MAY 13, 2010
7:30 P.M.

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

2. MINUTES: APRIL 8, 2010 **tabled until next meeting**

3. AGENDA:

INFORMAL DISCUSSION WITH JAMES S.WOLF OF KOWIT & PASSOV REAL ESTATE GROUP: 4832 RICHMOND RD. #200, CLEVELAND, OH. 44128. (216) 514-5100 HE WISHES TO DISCUSS THE POSSIBILITY OF CHANGING THE ZONING AT 5277 CHILLICOTHE ROAD FROM ASSISTED LIVING TO NURSING HOMES. **No action**

DAVID HOCEVAR, BUILDING COMMISSIONER, REVIEWED & WILL REPORT TO PC WHAT OTHER COMMUNITIES HAVE AS THE HEIGHT LIMIT FOR ACCESSORY STRUCTURES **SR to continue with status quo, 15'**

KENSINGTON GREEN TOLD THE FISCAL OFFICER THAT WHEN THE DEVELOPMENT AMENDS ITS CODE OF REGULATIONS, IT IS SUPPOSED TO INFORM SOUTH RUSSELL VILLAGE, SPECIFICALLY THE PLANNING COMMISSION. A COPY OF THE AMENDED REGS. (4-18-2010) WAS DROPPED OFF FOR REVIEW **Hocevar will find out what the changes are & tell PC at next meeting. He'll make copies of the changes.**

4. OLD BUSINESS: **The zoning change that PC recommended regarding banners had its second reading at Council.**

5. NEW BUSINESS: **NEXT MEETING: JUNE 16, 2010 AT 7:30 P.M. IF SOMEONE COMES IN FOR DEVELOPMENT REVIEW**

6. ADJOURN: **8:15P.M.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
RECORD OF PROCEEDINGS
MAY 13, 2010
7:30 P.M.

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

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

GUESTS:
Jim Wolf, 31450 Jackson Rd. Moreland Hills, 44022. Business: Kowit & Passov Real Estate Group, 4832 Richmond Rd. # 200, Cleveland, Oh. 44128. (216) 514-5100

Sutliff called the meeting to order at 7:30 P.m. The minutes from 4-8-2010 were tabled until the next meeting.

Informal discussion with James S. Wolf of Kowit & Passov Real Estate Group, 4832 Richmond Rd. #200, Cleveland, Oh. 44128. (216) 514-5100. He wishes to discuss the possibility of changing the zoning at 5277 Chillicothe Road from assisted living to nursing homes.

Jim Wolf, "I'm with Kowit & Passov as a real estate broker & we're representing Aluna who owns this parcel at 5277 Chillicothe Road. It has two zoning classifications on the 15 acres. The front farm is zoned residential, (R-1-A) which is about 5 acres. The back 10 acres is zoned R-3, assisted living."

Wolf, "I was approached by a group called, Provider Services, which is an assisted living, nursing home facility based in Columbus, Ohio. They have a letter of intent to sell them the property so they can get a certificate of need, which has to have the word nursing home associated with it."

Wolf, "What they plan to do is build a single story with a stone front. They would like to have 100 to 120 beds. All rooms would be private rooms, upscale. Mr. Wolf provided pictures of one of the facilities. This organization has over 60 of them in the Ohio region. They think there is a need for that in this area."

Wolf, "Approximately 130 employees. They hope to have a payroll, when it's up in full operation, over six million dollars. The acquisition & development costs at the site itself would be approximately seven million dollars."

Wolf, "Their primary goal; this is to be a rehabilitation center to help people with hip replacements, knee replacements. People come in for rehabilitation on a short term basis."

Wolf, "When we entered this contract, a contingency on the contract is zoning & utilities, water specifically. So that & they would close within 60 days. It's not subject to financing. They have the where with all to move forward. Once we have an agreement with the township, then we can apply for a certificate of need. We'd make the application in July. That application takes approximately six months to go through the process with the state. Once we have the certificate of need, we plan on breaking ground in the spring of 2011. It would take approximately 8 months of construction to get it up & running."

Wolf, "We want to fit into the community. We know there are some high value homes to the east of this facility. We're very much aware of that. We want to do a nice high quality facility."

Wolf, "This has all happened in the last 10 days. I don't have a lot of information about the total development plan. We'll have to come back to the community latter on to do that. I'm looking for some guidance on your zoning & what the definition of assisted living is & whether we can have this use in your community."

Ondrey, "We have an 'Elderly Assisted Living Facilities' chapter in our Residential Districts (Chapter 4, 4.06, Pp. 43). What we say the purpose of that type of zoning is '(a) to provide for non-institutional housing for elderly citizens requiring assistance in meeting personal needs including any of the following: diet, recreation, housekeeping, socializing, spiritual, and personal needs, provided such needs do not require, on a regular basis, medical and nursing services to be provided at the facility'."

Ondrey, "It does seem to me that if it is going to be some kind of a rehab/nursing home kind of facility, it would not fit within our current zoning. Jim, I don't know if you asked this or this is the way it was typed up, but on the agenda it does say 'to discuss the possibility of changing the zoning'. I think that is what it is going to take."

Ondrey, "You could seek a variance from the current zoning & say you want a variance to have a nursing home/rehab facility. The legal standards for getting a variance are going to be difficult. You'd have to be able to show that the property could not be used as it is currently zoned, which is for the elderly assisted living facilities. That's a tough road for you guys to carry. You might get the zoning board to give you a variance. But anybody who attends the hearing & participates, such as neighbors who don't like the idea, they could appeal it. I encourage you to consult your own legal counsel, but I think it could be a problem."

Ondrey, "It seems to me if this is of interest to you & the community, it's probably going to require a change in zoning from the elderly assisted living facility."

Ondrey, "We do have a definition for 'Elderly Assisted Living District' (Pp. 6 #38) 'Assisted living facilities for the purpose of providing services for persons over the age of 60 including the provision for board, shelter, assistance in daily activities, recreational services, social services, laundry facilities for laundering of residents'

clothing & linens, facilities for food preparation for the exclusive use of employees, residents, & guests of residents, beauty, barber & canteen services exclusively for residents & provision for administrative staff…' It goes on, but the definition creates the same issue that I was already expressing."

Ondrey, "The front is R-1-A, the five acres. The back 10 acres is zoned R-3, assisted living. Actually, in our elderly assisted facility zoning, we have a provision that requires that the front lot to have only one dwelling unit for every five acres of land, which is not the typical R-1 in the Village. That's how this was written up when this was created in the 80's or 90's."

DiMichele, "Was that zoning particularly created for that piece of property?" Ondrey, "Yes. There was a specific developer who I think, at least the family, is connected still. It was a specific facility that they were contemplating."

Brett, "How many acres is the whole parcel now?" Wolf, "15acres of which 10 of those acres is R-3. The 5acres in front is R-1." DiMichele, "What do you intend to do with that front house?" Wolf, "Nothing. We might get a property manager or someone who wants to live in that house." DiMichele, "So it may remain vacant." Wolf, "Or torn down"

Brett to Ondrey, "Based on what you stated earlier, if they wanted to pursue this, what is the proper path?" Ondrey, "There are two alternatives. I don't think it is permitted in the current zoning. So they either have to ask for a variance, which presents a difficult legal issue or they have to convince the Village to rezone the property for this new use. We'd have to create some new, additional regulations as far as what do we want in the way of setbacks & density & those sorts of things. It wouldn't happen over night. "

DiMichele, "The 100-120 beds, is that the same density when it was set up for assisted living?" Ondrey, "Assisted living seems to call for density of 10 people per acre. So if there is 10 acres, you could have 100 people in that assisted living facility." Flaiz, "How many square feet are they talking about?" Wolf, "I don't know at this time."

Ondrey, "One of the attractions of nursing homes for someone in this valley, you get some estate taxes every now & then. Estate taxes; as people pass away in nursing homes, the community that they die in often gets an estate tax. If it is going to be rehab, that may not be something to look forward to."

DiMichele, "A six million dollar payroll, what is the Village's annual take?" Brett, "One percent, $60,000. If they live in the Village, it's one percent & if they live outside the Village it's going to be one percent."

Tripp, "The other contingency was water." Wolf, "We want to make sure there is water pressure because it has to be a sprinkler facility." Sutliff, "Do we have any sprinkler facilities here?" Hocevar, No, just in certain areas of the medical center. It's all domestic heads that are confined to certain areas within the building." DiMichele, "They have city water there." Hocevar, "Yes, but you don't need city water to sprinkle a building. There are other options. You can go with wells. You can go with storage tanks. There are other ways to achieve it. Once they design their building & they find

out how much water pressure they need, for how long they need it, then they'll calculate ok we can put underground storage tanks, above ground storage tanks, we can sink three wells to prove we got water. City water is an option, but there are other ways to achieve that."

PROCESS; PC & COUNCIL:

Ondrey, "Sometimes if somebody wants the property rezoned, they come to us with the language already written. Here's what we need. Here's what we are looking for. Then this PC would consider it. If it adopted it by a majority vote, it would go onto Council for approval. You should know that if you presented it to PC, they would have the option to have a public hearing & hear comments from the public whether this new zoning should occur or not."

Ondrey, "If PC approves the new zoning, it would go onto Council who is required to hold a public hearing. It would take an ordinance to pass it. There are 6 members of Council. For Council to do anything different then what the PC did, it would take 5 votes. Typically, if PC approves it, it just takes 4 votes of Council to approve it. There has to be a public hearing."

Ondrey, "The problem that you might want to be sensitive to is the timing issue. First of all, either you or we would have to create the language for the new zoning. This board would have to consider it. That may take a meeting or two or more. There may be a public hearing. Once it goes to Council to be an ordinance, it takes three readings, which means -especially for zoning- we want the ordinance to be considered at three different meetings. That's usually a couple months process. Realistically, if the PC said this is a good idea, let's consider some new zoning, we're probably looking at a four to five month process at best."

PROCESS: ZBA:

Ondrey, "You could decide to go to the ZBA, which is a different body than these people & ask for a variance, saying I don't think it could be developed under the current zoning. We would like permission to develop it as a nursing/rehab center. That would also require a public hearing. You don't have an ordinance requirement. You don't have as much delay. You could probably get through that process in a month or two."

PC FEEDBACK:

DiMichele, "I think it would be a great use of the property. I don't see that much difference between assisted living & the rehab facility. The rehab facility would probably have less in & out traffic then you do with assisted living. One of the things with the strategic plan was to do what we could to encourage business in the Village. It's already zoned for something very similar. We're modifying that. I would be in favor of it."

Flaiz, "I think it's a good use. I agree with Janice. I'd like to see the plan because it is kind of in a residential area. I'd like to see what kind of buffering they would do between those houses in Kensington Green. Lighting would be an issue. We don't have any lighting regulations. Those are some concessions we can get if we were working to

try & rezone. Something that is very lit like a Wal-Mart parking lot wouldn't go over too well over there. I think it would be a great use & a great idea."

Tripp, "I remember when this thing got rezoned to become an assisted living facility. It created a great deal of controversy. I withhold my opinion, other than saying we need to schedule a public hearing if we think we are going to rezone this. The members of the PC & the Mayor need to remember, or if they don't remember, they will be reminded, because I know people in the community are in fear about this being rezoned. They will be here in force whether it's a nursing home/rehab/Olympic training center, they will be here. I think we need to be aware of those things upfront rather then trying to do things other than that."

Sutliff to Brett, "What's your reaction?" Brett, "As usual, a little bit of a middle seat. I'm not necessarily opposed to it. I want to learn more. To Jim's (Flaiz) point, know more about the actual plan itself. The sensitivity to the neighborhood; directly behind that is a new, relatively nice house to the north of that. I'm not absolutely opposed to it. I'm a fence sitter. I'd want to know more about the water situation & what's involved with that, what's needed."

Brett to Wolf, "Do you have any preliminary thoughts on how you would handle water?" Wolf, "In talking with Dave (Hocevar), what we need to do is create some storage tanks with water. We'd need that. It's required that we have a pumping system that can assist to put out fires. It has to be engineered properly & installed properly. If city water ever comes back out this way, sometime in the future, we could just tie into it & abandon those systems." Brett, "Options are, you could do that or from that particular spot I think that the existing water line to the south may be a half mile."

Tripp, "It goes to the Weils (16695 Chillicothe Rd.) & it narrows down from a six inch line to a four inch line. The city of Cleveland specifically did that because they don't want the line extended. They want adequate pressure. That's an issue."

Tripp, "I can echo what has been said about water. Water is a very big issue. That's going to be a concern primarily to the people downstream in Chagrin Lakes. There are 7 lakes just across the road. The low lying land in front of the house, the horse pasture, regularly gets quite a bit of water runoff, just from that field. Then it goes down. Sometimes it crests the road. They put high water signs up. It goes into Chagrin Lakes & cascades through those lakes. For the people of Chagrin Lakes, it's going to be an issue because they are going to say how much impervious surface is going to be put in the parking lot & the building? What is that going to do to change the (unintelligible)? The storm water containment falls under the EPA."

Sutliff, "I tend to think this is a reasonable use for the property also. My question is what different impact would this have to the neighbors? The fact that it is a rehab center instead of assisted living, what different impact would it have on the neighbors? I can't come up with any different impact." Tripp, "I would not presume to be a sounding board for the neighbors." Sutliff, "The point I'm making for the neighbors is if he (Wolf) came in & said we are going to build an assisted living facility, it's a done deal. We're

saying it's a rehab center. I can't figure out the difference that the impact would be."

Brett, "I think you're both right. I have that same question. If we were to do a zoning change, the residents would weigh in on that."

Ondrey, "I asked Dale (Markowitz, Ondrey's law partner) what he remembered about it because he was involved with it. He pointed out that there was some concern expressed by the folks across 306 about the entranceway would come out at Sheerbrook. There were concerns about traffic. That's something you'd have to think about."

Brett to Wolf, "Assume that the Village or PC gets behind this & it goes easy, our solicitor spelled it out that it's a 5 to 6 month process, is that a showstopper right there?" Wolf, "I don't think it is. We want to do something that is right for the community. The question is proving it to you & the constituents, making sure they get what they want. This is a nice site for that. It's a good community to be in. They really want to be out here. If it's going to take us 3 to 6 months to get through a certificate of need or even longer, we'll run concurrently with that. It's a function of having them do their homework. I'm just here as a spokesperson. I don't have any of the knowledge that they have. Let them come forth with a plan with a better idea of what it is going to look like, how it is going to fit into the neighborhood& how we're going to address water, lighting, storm water etc."

Brett, "Jim (Flaiz) asked if you had a sense of the square footage. Is there a ball park?" Wolf, "I don't have that answer, but I can get that to you shortly. These pictures give you an idea of what a typical facility would look like. From the pictures, it looks like a 60,000 square foot kind of thing. That's just off the top of my head."

Brett to Hocevar, "On 10 acres with the 35% lot coverage, any idea?" Hocevar, "I don't know if they are looking at a room for every person. The rehab places that I've been in, they might have 50 rooms. The rest is open rehab. They have a room that might hold 20-30 people." Wolf, "I was told that they are looking to have 100 beds in this facility. You have other facilities for dining, for group care, for exercise & other ancillary things that they do. I'd rather not guess & tell you what their plan is because they have 60 of these facilities around the state. It should be a simple question to ask them how many square feet are these facilities."

Wolf will provide a list of other facilities owned by his clients. The owner is Provider Services. The man Wolf talked to has an office in Great Northern. He believes the headquarters is in Columbus. Wolf, "I will be happy to provide you with a list of facilities in this region."

Hocevar, "In answer to your question Matt (Brett), I think it's possible."

Wolf, "I know the 10 acre overlay is on the R-3. I don't know if it's on the 5 acres, R-1 in front. But it's the same parcel. Does the 35% count against the 10 acres that it's zoned under? Or does it count against the 15?" Ondrey, "I talked about that with Dale. He thinks the logical interpretation, the best interpretation is 35% applies just to the R-3 area. That doesn't mean if we had to do new zoning, we couldn't play with that number based on what kind of sketch plan comes to us. & what they think their needs are.

If we were talking about elderly assisted living center that would be the kind of thing you'd come in & ask for the variance. You have this front 5 acres. You'd say, look I promise to keep that empty, use it for my density. Given the fact that we're looking at a whole new zoning, it probably makes more sense to try & come up with a livable number."

Ondrey, "The 35%, does that count parking lot in there?" Hocevar, "Yes that's everything. Someone came in front of the PC awhile back & wanted to include other types of zoning in with that 35%. Someone came who had a facility where they wanted to include residential area as part of their 35%." No one remembers what Hocevar is referring to.

Brett to Wolf, "The forecast would be about 120 beds." Wolf, "For the zoning he said 100 beds." Brett, "It's all private." Wolf, "Yes." Brett, "130 employees." Wolf, "Yes." Brett, "Are those full time positions?" Wolf, "I assume they would be full time positions." Brett, "Ballpark payroll of $6,000,000 & construction of the project is $7,000,000." Wolf, "Yes."

Wolf, "I think I've got a good read. I want to report back to my clients & let them know what your thoughts are. I'm sure it's not the first time they had these kinds of returns. We want to work to answer your questions first. I'm sure we have some consistency & we understand what the project looks like & get ready for a presentation at a public hearing." Ondrey, "Sketch plans really help." Mr. Wolf left.

Ondrey, "I'm a little surprised at their desire to do a rehab. I'm on the UH board. UH now has what used to be called Heather Hill. It's now called the extended care campus. It's virtually all rehab stuff. They are dying. They are struggling like hell. I'll grant you that is further away from the city then something in SR would be."

Brett, "What struck me was you have South Franklin Circle, with similar clientele. I'm not sure how much of a demand there is." Tripp, "He said nursing home/rehab." Ondrey, "But he emphasized that it would be mostly rehab." Hocevar, "You can't get a license without filing for a nursing home. It has to be registered as a nursing home to get the license he is looking for, for rehab." DiMichele, "He said he had to have the name nursing home in the rehab application part. But they are going to concentrate on the rehab. "

Foley, "Looking them up on the web, they have a 121 bed facility in LaGrange, on 57 & Route 10. It's more of a traditional nursing home. They do have rehab facilities there. It seems to be about the same size as this one."

Traffic: Foley, "When you touched on traffic, I think if this were a rehab facility, I think the intensity of the traffic would be substantially different then a nursing home or an assisted care facility. You've got 120 employees & a number of people in & out. You've got more people visiting. I think the traffic issue with this kind of facility is more akin to a commercial venture then a nursing home where traffic is very light because people are coming in & out everyday to visit people because it is short term care. That's an issue that needs to be addressed. It's a bigger problem then if it were a nursing home."

David Hocevar, Building Commissioner, reviewed & will report to PC what other communities have as the height limit for accessory structures

Hocevar, "I've got about 12 of them here. The incorporated Villages, cities are all sticking with the 15'. When you get out to townships, they are raising it to 20', 30', 35'. Bedford: 15'. Montville: 35'. Chardon: 35'. Aurora: 15'. Russell: 36'. Chagrin Falls: 15'. Bainbridge: 35'. Willoughby: 15'. Newbury: 35'. Chester: 15'. Munson: 35'. Gates Mills: 8'."

Hocevar, "I thought we were being unrealistic with the 15'. But being incorporated like we are, let's leave it at 15'."

Sutliff, "When these items come before the ZBA, are they typically approved?" Hocevar, "Basically yes." Sutliff, "Are they never approved?" Hocevar, "I can't say never. Unless we get some static from the surrounding neighbors, they are usually approved." Sutliff, "How many of these are there a year?" Hocevar, "I'd say maybe 4 or 5 last year, which is a lot for a small community." Sutliff, "I personally don't have any objection to leave it the way it is.' DiMichele agrees. Tripp, "If somebody wants to come apply for a variance, that's what they do." Hocevar, "I thought they raised them around the surrounding areas to 20'-25'. After looking at it, they didn't do it."

Brett, "Let's see what comes up in the near future. If we're getting 4 or 5 a year & they are coming before the ZBA & ZBA approves them, then what we are doing is creating a hassle for people."

Sutliff, "What would the typical variance be? 20'." Hocevar, "20'. You take into consideration the height of the homes. You don't want a 25' house with a 30' pole barn." Flaiz, "The case by case is nice because a 35' high barn out on Bell pass Snyder, that's different then trying to put a 20' or 25' garage down on Fernwood."

Sutliff, "If it's alright with the board, **we'll continue with the status quo." (15') PC agrees.**

Kensington Green told the fiscal officer that when the development amends its code of regulations, it is supposed to inform SR Village, specifically the PC. A copy of the amended regs. (4-18-2010) was dropped off for review.

Tripp, "Given the fact, that there is only one revised thing on Pp.3, #19, & we don't know other than that, what else they changed - I don't see any other revisions- I would suggest that this board can't take this up this evening because we don't know what the changes are. They have to show us what the changes are."

Sutliff, "Does it make sense for Dave Hocevar to touch base with their HOA…?" Hocevar, "I can find out who it is. This is the first time I've seen this. We've had many, many changes in different developments." Hocevar, "I will find out what the changes are & tell PC at the next meeting. I'll make copies of the changes."

OLD BUSINESS:

Brett, "The zoning change that PC recommended to Council (banners) had its second reading at the last Council meeting. We have our public hearing on it prior to the next Council meeting on May 24, 2010. I assume we will move forward with that on the 24th."

NEW BUSINESS:

Next meeting will be June 16, 2010 at 7:30 p.m. if Mr. Wolf intends to return or someone comes if for development review, otherwise the June meeting is cancelled & PC will meet July 8, 2010 at 7:30 p.m.

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
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
JUNE 16, 2010
7:30 P.M.

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

2. MINUTES: APRIL 8, 2010 & MAY 13, 2010 **approved**

3. AGENDA:

DEVELOPMENT REVIEW WITH BRET ADAMS. HE HOPES TO OPEN A RESTAURANT AT 504 EAST WASHINGTON ST. IT IS TO BE CALLED BURNT WOOD TAVERN. IT IS LOCATED IN THE BUILDING FORMERLY OCCUPIED BY CABALLA BAYO RESTAURANT. THE PLANS WERE PRESENTED TO ABR ON 6-15-10. NO ACTION. **Tripp, "I make a motion that the South Russell PC approve the plans put forth by Bret Adams to open a restaurant at 504 East Washington Street to be called Burnt Wood Tavern provided he gets all ABR, ZBA approvals, building codes are met, parking places are kept properly etc. etc. etc." Sutliff, "It's conditioned upon ABR & zoning approval, specifically parking." DiMichele second. Roll call: all ayes. CONDITIONAL APPROVAL**

CONTINUATION FROM LAST MEETING: HOCEVAR TO REPORT ON CHANGES THAT KENSINGTON GREEN MADE TO ITS CODE OF REGULATIONS ON 4-18-2010 **tabled**

4. OLD BUSINESS:
JIM WOLF OF KOWIT PASSOV REAL ESTATE GROUP – WHO PRESENTED A PLAN FOR A REHAB CENTER AT 5277 CHILLICOTHE ROAD – DOES NOT INTEND TO RETURN TO PC **Brett talked to someone from the real estate group. In order for them to get a certificate of need for a nursing home, they had to have everything done by July 1, 2010 i.e. the property locked up & the zoning changes. He hasn't heard from them since.**

5. NEW BUSINESS: **NEXT MEETING: JULY 8, 2010 AT 7:30 P.M. ONLY IF THERE IS SOMETHING ON THE AGENDA. IF THERE IS NO MEETING IN JULY, THE PC WILL MEET AUGUST 12, 2010 AT 7:30 P.M.**

6. ADJOURN: **7:50 p.m.**

VILLAGE OF SOUTH RUSSELL
5205 CHILLICOTHE ROAD
SOUTH RUSSELL, OHIO 44022
440-338-6700
FAX 440-338-8776

PLANNING COMMISSION
RECORD OF PROCEEDINGS
JUNE 16, 2010
7:30 P.M.

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

OTHER OFFICIALS: Laura Heilman, Building Department, David Ondrey, Solicitor, Ned Foley, Engineer

GUESTS:
Bret Adams, restaurant at 504 East Washington St. South Russell
Christian Kalinyak, contractor for Bret Adams
Philip M. Koepf, Architecture & Construction, 321 High St. Chagrin Falls
(440) 821-3535

Sutliff called the meeting to order at 7:28 p.m. The minutes from April 8, 2010 & May 13, 2010 were approved.

Development Review with Bret Adams. He hopes to open a restaurant at 504 East Washington Street. It is to be called Burnt Wood Tavern. It is located in the building formerly occupied by Caballa Bayo Restaurant. The plans were presented to ABR on 6-15-2010. No action.

-handouts: site plan, drawn today, from architect, Philip Koepf & a drawing of the proposed restaurant
-original drawings that were submitted to ABR yesterday; no action
-posters with pictures of proposed restaurant

Mr. Adams, "We're very excited about that area because the strip mall has been enhanced. We're continuing the enhancement of that area. Everything we are doing is cosmetic. We're taking it back to the hard wood floors; add a fresh coat of paint. We're warming it up with a lot of barn wood & copper. The major change that we are looking to do is take the current façade out front, where it looks like a home, & turn it into a restaurant by opening left & right where there is currently a window to French doors. There will be a patio on the right & left side of the door that is approximately 240 square feet. It's very small, very subtle. What that does is make it attractive from the road."

Sutliff, "Why did ABR take no action?" Tomaro, "The grading was not drawn accurately in the front. When they looked at the photographs, to just put something over it, it would have been uneven. There was no fence shown." Koepf, "The sketch was not accurate yesterday. So, they asked me to clean that up."

Tripp, "The patio that was on the side is that going to disappear?" Koepf, "No. We'll clean that up as well." DiMichele, "So you are adding seating area with two patios in the front?" Koepf, "Right." DiMichele, "Does that put them above the allowed seating capacity by adding seating in the front?" Adams, "The seating on the right is what we call soft seating. It's almost like a waiting area where there won't be traditional seats. It'll be a transition. The four tables out front will be removed from the existing dining room. It's really just a transfer." They aren't adding seats. Adams, "We're just adding square footage."

Sutliff, "You're proposing to build a patio out front?" Koepf, "Correct." Sutliff, "So you are going to loose some parking spots out front." Koepf, "Correct; 4 spots." Sutliff to Heilman, "Do we have anything from Dave (Hocevar)? Has he reviewed this as far as parking & fire lanes?" Heilman, "He said they have plenty of parking. It wasn't an issue."

Adams describes the proposed restaurant. "It's a tavern with simple Midwest straightforward food: smoked foods & planked foods, prime rib, French dips, chicken wings."

Adams' experience: "That's all I know. Most recently, I've spent 10 years with Brio & Bravo Restaurant group as a regional manager. I've been traveling for the past 15 years all over the country. It's been a great experience. My goal is to stay in as tight of a bubble as I can for the next 20 years. This restaurant is a compellation of as much local fare as we can have. The lighting will be done by a gentleman who blows glass up the street. Chris, the contractor, will do all the woodwork. He's local. From the cupola, which is one of our signature things, to the stones, we're just going to have a warm feel; that smell of wood & copper & soft seating in leather chairs. Nothing intimating, but very comfortable, that's the look we're going after."

Adams did not purchase the property. Adams, "There is a first right of refusal on the purchase of the property. I'm going to lease it."

Time frame: Adams, "We'd like to be open by the end of August. I'm doing this personally, so there is a tight budget. For the next 30 days I'll work for this guy (Chris). I've had the experience of opening 6 or 8,000 square feet. To take it down to three is decidedly different."

Brett to Ondrey, "For PC, what is it that we are actually considering tonight with the application that is before us?" Ondrey, "Just to determine whether there are any issues as far as flow of traffic & parking & impact on the immediate neighborhood. It's a permitted use." Brett, "The issues of expanding patios out front…" Ondrey, "As long as it fits within the zoning. Certainly you could consider it in the sense, does it affect parking, traffic, safety? Outside of that, it is not necessarily your point of view for tonight."

Brett, "I have a question about the existing patio. If memory serves, it comes off this corner (pointing to drawing). Does it come into these five spaces?" Koepf, "I just did this site drawing today. I didn't get it surveyed. I took it off a plat map & went out & measured it. There are a couple of parking spaces along here (pointing to drawing) that I don't see how they fit them in. They've got them marked out, but it gets really tight."

Sutliff, "How many parking spaces are here?" Koepf, "There are 42 spaces. We are losing three." Sutliff, "It seems to me about 10 or 15 years ago, when Lenny Constantino had this, he came & my recollection is that he had to go to the ZBA on the parking situation when he put that deck in. Now we are taking away four more spaces. How many seats do you have in the restaurant?" Adams, "Currently, there are about 90 to 110 seats depending if the outdoor patio is available or not. The compromise there is, when you walk into the building to the left, there is a bar & to the right there were probably 10 tables. Those 10 tables will be removed. It'll be a casual soft seating area with couches. The capacity will be dispersed. There won't be anymore seats. There will probably be some taken away." Sutliff, "Well people will come in & sit there & have a drink. So, it'll still be cars." Adams, "Perhaps but verses having 12 tables, which would be 24 cars, there will be seating for about a dozen people. It's incremental, but it is less."

Ondrey, "I'm not familiar with what may have happened when the prior owner or user attempted to get approval. I would say this, all you are giving is development approval. If it doesn't meet the zoning, David's (Hocevar) office has to make that determination. If there is a parking problem & not enough spaces, it could be denied. Then they'd have to go get a variance."

Sutliff, "If we can make this work, it would be great." DiMichele, "Absolutely. Our Village strategic plan is to do everything we could to help businesses in that area." Tripp, "In summary, you are a local person that is going to have plenty of skin in the game by making these improvements. You've got a local architect, local contractors, local people making the wrought iron fence in the front, the cupola." Adams, "Correct." Tripp, "I'd say that pretty well complies with what we are trying to do with our plan."

Brett, "What was your time line again?" Adams, "We'd like to be open by the end of August. That gives us 5 to 7 weeks of renovations, 2 weeks of training."

Sutliff, "Will you be submitting drawings to the Building Department?" Adams, Dave (Hocevar) was fine with everything pending what happened yesterday & today. There is nothing structural being invested. Most of it is just restoring." Brett, "It still would require the ABR approval." Adams, "Yes we're going to go back."

PC voices its support. Tripp, **"I make a motion that the South Russell PC approve the plans put forth by Bret Adams to open a restaurant at 504 East Washington Street to be called Burnt Wood Tavern provided he gets all ABR, ZBA approvals, building codes are met, parking places are kept properly etc. etc. etc." Sutliff, "It's conditioned upon ABR & zoning approval, specifically parking." DiMichele second. Roll call: all ayes. CONDITIONAL APPROVAL**

Continuation from last meeting (May 13, 2010): Hocevar to report on changes that Kensington Green made to its code of regulations on 4-18-2010

Tabled until next meeting

OLD BUSINESS:

Jim Wolf of Kowit Passov Real Estate Group – who presented a plan for a rehab center at 5277 Chillicothe Road - does not intend to return to PC

Brett, "Shortly after our last meeting, I got a call from one of the individuals for the real estate group. She presented that their need was to actually have everything done by July 1, 2010. In order to get a certificate of need for a nursing home, not only did they have to have the property locked up, but they would have to have the zoning changes. I shared, based on the timing, there is no conceivable way that that was going to occur. The solicitor & I discussed, were we really confidant that it required a zoning change? We were. I shared with them, it certainly wasn't going to happen within their time frame. I didn't know exactly how PC felt, but their seemed to be some support for a project like that. If there wasn't this time frame, they may want to still consider having discussions & working through the zoning issue & pursue it. I haven't heard anything since."

NEW BUSINESS:

July 8, 2010 is the next scheduled meeting unless there is nothing on the agenda. If there is no meeting in July, the PC will meet August 12, 2010 at 7:30 p.m.

- In so far as the Kensington Green code of regulations, Ondrey said, "David (Hocevar) can work through me on that. Let me see if they need your input. If they do, we can certainly come back."

There was no further business. The meeting adjourned at 7:50 p.m.

Walter Sutliff, Chairman

Maggie Tomaro, secretary

gave a copy to PC 5-13-2010

Kensington Green Code of Regulations
as amended 4/18/2010

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1) Association Governance and Leadership

Board of Trustees Composition and Organization. The Board of Trustees shall consist of three persons elected from the community of homeowners. The trustees shall elect a President, Secretary and Treasurer. Each Trustee shall serve for two years. If a vacancy occurs on the Board of Trustees during any term of office, the remaining members of the Board of Trustees may appoint a successor to fill the vacancy for the remainder of the term.

The President shall preside at all meetings of the Board of Trustees and at all meetings of the membership.

The Secretary shall preside at meetings in the absence of the President, maintain meeting minutes, coordinate communication between the Board and the Association membership, maintain names and contact information for Association members.

The Treasurer shall prepare and submit for the approval of the homeowners an annual budget, record expenses, prepare and file tax returns, and make disbursements as approved by the Trustees, and provide Association information to title companies, tax authorities, etc.

All terms of Trustees shall commence on January 1 of the year following their election and shall continue for the period provided above or until their successors are elected.

Powers of Board of Trustees. The Trustees shall act in good faith for the benefit of the homeowners and take all necessary actions to manage Kensington Green Homeowners' Association assets.

Meetings of Board of Trustees. The Board of Trustees shall meet from time to time as directed by the President or at the request of the other two members of the Board of Trustees. Each member of the Board of Trustees is entitled to reasonable notice of all meetings of the Board. The presence of at least two members shall constitute a quorum for the transaction of business at any meeting of the Board of Trustees.

Street Representatives. Street Representatives shall be appointed by the Board of Trustees and shall serve a term of one year. Street Representatives shall gather proxies from Association members on their street and act as part of the Social/ Welcoming committee for families on their street.

Architectural Control Committee. This committee shall be appointed by the Board to assist in maintaining the "Western Reserve" tone and architecture of the neighborhood, also in enforcing Association property standards.

2) Meetings and Community Decision- Making

Membership. Every Owner of record within the Kensington Green Subdivision is a Member of the Kensington Green Homeowners Association.

Voting Rights. The owner(s) of each Kensington Green home shall have one vote per sublot.

Annual Meetings. The Annual Meeting of the Members shall be held on or around the third Monday in October of each year. A meeting quorum is defined as the presence of homeowners in person or by proxy totaling at least 60% of the homes in Kensington Green.

The business of the Annual Meeting:

- The Board shall review financial statements which includes a summary of the Association financial assets and spending for the year.
- Membership shall vote to approve or disapprove an operating budget for the next year. (The Board shall distribute to the Members a financial statement and the proposed operating budget in advance of the meeting.)
- Membership may vote on proposals published in advance (per the guidelines below).
- Membership shall elect the members of the Board of Trustees whose terms of office are due to expire.
- The Association shall conduct such other business as recommended by the Board.

Special Meetings and Emergency Meetings. Special Meetings of the Membership or votes on community topics may be called from time to time by the Board of Trustees or at the request of the homeowners.

Notice of Meetings. Written, e-mailed, or printed notice of each Annual and Special Meeting shall be given to all Members at their last known address not less than 30 days prior to the Meeting. Notice of an Emergency Meeting shall be given at least 24 hours prior to the Meeting. The notice shall specify the time and place of the Meeting and, in the case of a Special or Emergency Meeting, the purpose of the Meeting. At a Special or Emergency Meeting, no business may be transacted which is not stated in the notice. No minor failure or irregularity of the notice of any Annual Meeting shall invalidate any action taken at that Meeting.

Major Items to be Voted Upon by the Membership. The following majority votes are required for actions by the Membership:

- Simple majority of a quorum
  - Election of Trustees
- 2/3 majority of a quorum
  - Amending the Code of Regulations
  - Change in the Annual Dues
  - Expenditures over $3,000 on a single topic not already approved in the annual budget
  - Changes to the Corporation
  - Change in use of assets of the Corporation
  - Dissolution of the Corporation
- 2/3 of all Members
  - Placement or construction of structures upon or change in use of the common land

Comment [RRB1]: This should help cut down on contensious annual meetings

Methods of Voting. The Board can conduct a vote on any of the above topics in paper ballots, general membership meeting or via electronic voting (e.g., e-mail) as it deems appropriate. If a vote authorizes Association expenditures of over $3,000, the results of all votes shall be communicated to the Membership prior to the Board entering into any contract or obligation with respect to the proposal.

Community Comment Periods. If a proposal is presented to place or construct recreational or other structures on the common land, The Board shall publish a specific proposal 60 days before the scheduled

vote, then provide a forum for open community input on the topic. The Board shall then publish comments voiced by the community before the vote. Proposals may be adjusted based on community feedback prior to the scheduled vote without an additional 60 day comment period.

Proxies. Any Member entitled to vote on a topic may be represented and vote by proxy appointed by a written instrument signed by the Member or confirmed in an electronic document. The proxy shall be assigned to a Member of the assignee's choice. If the Member is willing to sign over his/her proxy vote for items other than those that appear on the Meeting notice, he/she must so state.

3.) Association Finances, Dues and Penalties

Purpose of Dues and Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents of Kensington Green and in particular for the improvement and maintenance of Common Land properties and facilities, including the payment of taxes and insurance, repairs, replacements and additions, and for the cost of labor, equipment, materials, management and supervision as necessary.

Special Assessments for Capital Improvements. In addition to the annual assessments, the Association may levy a special assessment for the purpose of defraying the cost of any construction or reconstruction and unexpected repair or replacement of a capital improvement on the Common Land.

The fiscal year of the Association shall commence on January 1. The Board of Trustees shall submit, with the Notice of the Annual Meeting, a financial summary for the current year with Association Fund balances, other assets and liabilities, and a proposed Budget for the upcoming year. (All Board members shall review Association financial records and statements in advance of the publishing of the annual financial statement and budget for the coming year.)

The Association shall maintain an Operating Fund to provide for maintenance and upkeep of the common property and for incidental expenses and repairs to the same. The Board shall maintain a minimum balance of $10,000.00 each year in the Operating Fund to cover unexpected operating expenses. If the Operating Fund falls below the intended level over the course of the year, the Board shall announce an adjustment to the following year's dues when recommending the budget for the coming year to return the Operating Fund to $10,000.00.

The Association shall maintain a Capital Fund to provide for major maintenance, repairs, or planned upgrades to the common property. The Board shall maintain a Capital Fund balance of at least $30,000.00 to cover unexpected major expenses. If major expenses are incurred over the course of a year that draw the Capital Fund below $30,000.00, an assessment may be made, communicated and due with the annual Association dues cycle to bring the Capital Fund balance back to the intended level.

Annual Association shall be $425.00 per household beginning in 2009. Annual Association dues cover the period from January 1 through December 31 of that year. It is intended that $375.00 of the annual dues will go to the Operating Fund to cover annual operating expenses and $50.00 will go to the Capital Fund to cover annual capital expenses. The Board has discretion to allocate funds from the annual dues into the Capital and Operating Funds in any calendar year based on Association spending requirements, to keep the funds at their intended levels.

Dues, adjustments and assessments are due on March 31. If dues, adjustments and/or assessments are paid 90 days late, the Member shall be assessed an additional $100 penalty and penalties will continue to accrue at $100 each subsequent quarter starting on the first day of each quarter. Trustees can suspend penalties at their discretion based on a meeting with the Member and the establishment of a plan for dues to be paid. If after one year dues and assessments have not been paid, the Board in its discretion shall file a lien for the amount owed and any related penalties. The sale or transfer shall not relieve such property from liability for any assessments thereafter becoming due, nor from the lien of any such subsequent assessment.

4.) Community Security

Kensington Green does not have a formal Neighborhood Watch program, but Members are encouraged to look out for each other's property and to report all suspicious activity to the South Russell Police.

If a Member suspects that a violation of the law is occurring on private property or common property, he (she) is encouraged to call the police immediately. Homeowners should report all acts of vandalism or other crime to the South Russell Police.

Occasionally, homeowners will be encouraged to act as "safety and security" persons on a voluntary basis. (e.g., Halloween)

The Board shall contact the police regarding every known act of vandalism against Association property.

The Board shall seek financial restitution for vandalism or other property damage when the persons responsible can be identified. The Board may seek other restitution for damage to the common property or to the good name and reputation of the Kensington Green community.

The Board, in its discretion, shall press charges on all participants engaged in crimes against Association property each time the persons responsible can be identified.

5.) Architectural and Property Standards

Architectural Changes and Structures

The architectural style of all homes shall be that of the traditional American homes of New England, Pennsylvania, Connecticut and the Western Reserve. All accessory buildings shall be of the same architectural style as the main home.

To maintain the architectural integrity of the community, major changes to the exterior of an existing home (including changing the color of a home and / or its trim) shall be submitted to the Architectural Control Committee before changes are made to insure changes contemplated are in keeping with the "Western Reserve" tone and architecture of the neighborhood. The Architectural Control Committee shall make recommendations to the Board, which will then vote to allow or not allow the changes proposed by the homeowner.

The Architectural Control Committee is empowered to engage expert opinion(s) to comment on the proposed changes at the expense of the homeowner. The Committee shall advise the homeowner before engaging the services of third party resources in this regard.

All materials for construction are subject to the approval of the Board (by recommendation of the Architectural Control Committee) and shall be appropriate to the style of architecture.

If changes are implemented without the approval of the Board, the Association has the right to require additional changes to conform with the "Western Reserve" tone and architecture of the neighborhood.

No building or other structure shall be erected nearer to a street than the building set back line shown on the recorded Plat of the subdivision, nor nearer than ten (10) feet to any side lot line (total of both side yards is twenty-five (25) feet; the minimum distance between dwellings shall also be twenty-five (25) feet), nor nearer than thirty-five (35) feet to any rear lot line.

No fence, solid or living, exceeding the height of three (3) feet may be erected or placed, or permitted on any Sublot or on the property line in front, from the front property line to the building line unless approved by the Architectural Control Committee. From the building line or setback line to the rear property line fences may exceed three (3) feet only if approved by the Architectural Control Committee if it is satisfied as to both decorative and aesthetic values and finds it necessary to the safety of residents. Cyclone fences may only be used for swimming pools or animal runs.

If a property is visibly damaged (e.g., by fire, storms, etc.), repairs shall be started within sixty days of the incident and diligently prosecuted to completion. If repairs will extend more than ninety days following the incident, the homeowner shall advise the Architectural Committee of the plan to complete the repairs.

Landscaping Standards

No unsightly growth such as weeds, underbrush or the like shall be permitted to grow or remain upon any lot and no refuse piles or unsightly objects shall be allowed to be placed or to remain anywhere thereon.

Lawns shall be maintained at a grass height of less than 6 inches, and edged neatly along curbs, sidewalks and driveways.

Shrubs shall be maintained as appropriate for the Western Reserve tone of the community. Landscaped areas shall be kept free from weeds.

The natural wooded and ground cover conditions or portions of the Sublot should remain, provided that they are aesthetically pleasing to the appearance of the Subdivision as a whole.

In the event that any Member shall fail or refuse to keep his property free from weeds, underbrush or refuse piles, or other unsightly growths of objects, the Association shall have the right after fourteen (14) days written notice to the offending Member, to remove the same at the expense of the Member and to add such expense to the assessment charged to the Member.

Trash, Garbage and Landscaping Waste

No Member shall allow trash or garbage to accumulate on any premises except in containers that are emptied periodically.

All garbage and trash receptacles or similar containers shall be inside a structure so that they shall not be visible by any person not physically present on the Sublot.

Yard waste or other refuse shall be disposed of in a manner consistent with South Russell regulations. Yard waste or other refuse shall not be disposed of on the Common Property or on another homeowner's property. If residents or their guests or contractors working on behalf of a homeowner are found disposing of yard waste or other refuse on the Common Property the Board shall deliver a written warning to the homeowner to cease and desist such activity. If the activity continues the Board shall assess a $500.00 to the homeowner which shall be paid in 30 days.

Vehicles on the Property

Temporary structures or trailers of any kind are prohibited except for construction trailers or temporary construction structures used in connection with the improvement or renovation of a Member's home.

Recreational vehicles, truck campers, motor homes, trailers, boats and/or trailers and the like shall not be kept or stored on any Sublot unless fully contained within an enclosed garage or stored on the property so that it is not obviously visible from the street.

Except during maintenance of driveways, cars shall not be parked on lawns or on the Common Grounds.

No Member shall park a commercial vehicle or allow a commercial vehicle to be parked in front of or on any premises except in an enclosed structure. No Member shall store or make repairs to a vehicle of any kind in front of or on any premises except in an enclosed structure.

Other Guidelines

All structures and premises shall be maintained neatly and in good repair.

No outdoor clothes drying shall be permitted where it is visible from the street.

No resident 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 any Sublot for more than 24 continuous hours during a calendar year.

Generally, signs or billboards shall not be not permitted in Kensington Green other than standard "For Sale" or "To Let" signs. Such signs shall not exceed six square feet in area. Exceptions to this are school signs recognizing athletic involvement of a resident student and political signs. Political signs are allowed no earlier than 30 days before an election and they must be removed within 48 hours after the election. Temporary signs promoting Kensington Green community events are permissible on the Common Property.

Mailboxes and newspaper containers shall be kept in good repair, with posts upright and structurally sound. Any mailbox posts replaced after June 1, 2010 shall be erected in accordance with the original Kensington Green mailbox post design. (see Appendix H.)

Driveway surfaces may utilize one of the following hard materials: asphalt, concrete, natural brick or brick pavers. Gravel, aggregates or other loose materials shall not be installed. Driveway surfaces shall be kept in good repair (e.g., asphalt driveways shall be topcoated regularly). Other hard materials not included in the above approved categories shall be subject to the approval of the Architectural Committee prior to installation.

No television or radio antenna, transmitter, receiver or other communications device shall be erected upon any building, structure or Sublot unless its design and location have been previously approved by the Architectural Control Committee.

No resident shall store personal property not typically found in Western Reserve style neighborhoods (e.g., ladders, appliances or yard tools) on the Sublot except in an enclosed structure.

Garage doors should be closed. They shall not be left open for extended periods of time.

If the Trustees determine that a homeowner is in violation of Kensington Green Property Standards:

- It may advise the homeowner three times in writing, with two weeks between letters. Each letter shall identify the specific violations and actions recommended to correct them. The third letter shall include the steps the Board may take if violation is not corrected.
- If violation has not been corrected two weeks after delivery of the third letter, the Board may a) engage professional services to correct the violation, then bill the homeowner for that work plus a 10% penalty, or b) assess the homeowner a $500.00 penalty for each violation. Funds due to the Association for professional services incurred to correct a violation of property standards and/or penalties for property standards violations shall be paid within 30 days of notification to the homeowner.

6.) Good Neighbor Expectations and Community Standards

We believe in a good neighbor policy and in respect of others.

Kensington Green residents are encouraged to know their neighbors. Residents are also encouraged to watch for and offer assistance to neighbors who may be ill or elderly or have special needs.

For the safety of the children in the neighborhood all drivers shall observe posted speed limits and all other traffic laws.

Good Neighbor Expectations regarding pets:

- Pets kept by homeowners shall be limited to commonly-kept domestic pets such as dogs, cats and other animals commonly sold in pet stores. Pets shall not constitute nuisances to neighbors.
- Homeowner must take appropriate steps to ensure that unsupervised animals remain on the homeowner's property (e.g., get an invisible fence).
- Homeowners shall not allow their dogs to bark in a way that bothers others.
- If residents or their guests walk dogs on the common property, they should clean up any waste left by the dog. Dogs walked on the common property should be leashed or otherwise kept under the Member's control.
- No livestock or poultry of any kind shall be raised, bred or kept in Kensington Green.

No activity which constitutes an annoyance or nuisance to a reasonably prudent person shall be carried on by Kensington Green residents or their guests. This includes activities on private property, public property or common property in Kensington Green.

If business is conducted in a residence, those activities shall not be obvious to person not physically present on that Sublot.

No resident or guests of residents shall operate, or permit to be operated, any motorized recreational equipment or vehicle, including but not limited to, any boat, motorcycle, motorbike, snowmobile or all-terrain vehicle, over or upon the Common Land.

Appendix

a) Declaration of Restrictions: Kensington Green Subdivision
b) Definitions
c) Property Rights in the Common Land
d) Covenants and Restrictions Governing Sublots or Living Units
e) General Provisions
f) 2003 Land Management Plan Summary

Unless superceded by the preceding content (adopted March, 2010), the Code of Regulations, terms, conditions and rules in the Appendix are applicable.

Declaration of Restrictions: Kensington Green Subdivision

Kensington Green is a community (the "Community") consisting of approximately 131.25 acres of land upon which currently 105 homes are built on 105 sublots and consist of the following two parcels (the "Land").

Parcel No. 1

Situated in the Village of South Russell (formerly Township of Russell), County of Geauga and State of Ohio and being a parcel of land bound on the East by 50 acres now owned by R. A. Warren and starting at the Northwest corner of said land and South Newbury Road, thence South to the Township line: thence West along said Township line to land now owned by T. O. McLaughlin; thence North aloes the East line of land now owned by T. O. McLaughlin; thence West along the North line of land owned by T. O. McLaughlin to land owned by A. M. Wilber and Alice Patterson; thence North to the center of the said South Newbury Road, thence East along said-South Newbury Road to the place of beginning, containing 81.25 acres more or less, being the same parcel as recorded in Volume 156, Page 221 of Geauga County Records.

Parcel No. 1 being more particularly described as follows:

Situated in the Village of South Russell (formerly Township of Russell), County of Geauga and State of Ohio and known as being part of Tract No. 3, Lot No. 8 in said Village (formerly Township) and bounded and described as follows:

Beginning as a point in the centerline of Bell Street at the Northwest corner of 50 acres of land conveyed by Joel Warren to R. A. Warren by deed recorded in Volume 142, page 332 of Geauga County Records of Deeds; thence southeast along the Easterly line of land so conveyed to the South Westerly corner thereof, said point being also in the Southerly Township line: thence Westerly along the Southerly line of said Township to the South Easterly corner of land conveyed to Lillie McLaughlin by deed recorded in Volume 205, page 609 of Geauga County Records of Deeds; thence Northerly along the easterly line of land so conveyed to Lillie McLaughlin to the North Easterly corner thereof; thence Westerly along the northerly line of land so conveyed to the Southeasterly corner of land conveyed to A. Wilbur, et al, by deed recorded in Volume 169, page 32 of Geauga County Records of Deeds, said point being also in the westerly line of land so conveyed to A. Wilbur, et al., and the Easterly line of land conveyed to H. D. Wilbur by deed Volume 225, Page 595, Geauga County Records of Deeds, and C. and L. Harmonds by deed Volume 286, Page 386, Geauga County Records of Deeds, to a point in the centerline of Bell Street, being also the North West corner of Lot No. 8; thence Easterly along the centerline of Bell Street to the place of beginning and containing 81.25 acres more or less, but subject to all legal highways. Being the same land as recorded in Volume 336, page 154 of Geauga County Records.

Parcel No. 2

Situated in the Village of South Russell (formerly Township of Russell), County of Geauga and State of Ohio and being in Tract Three (3), Lot eight (8) in said Village (formerly Township) and bounded as follows. On the North by the public highway formerly called Bell Road, South by the South line of said lot which is also the Township line, west by the East line of land deeded by Tabor Warren and wife to Joel Warren; and East by a line parallel with the West line and far enough distant therefrom to contain Thirty-five (35) acres of land; and being the same land conveyed by deed from Alanson Morrison to Joel Warren; recorded, January 6, 1876 in the Geauga County Records; Volume 77, page 36. Also another piece or parcel of land situated in said Village (formerly Township), County and State; and bounded and described as follows: And known as part of Lot No. eight (8) in Champion Tract No. three (3); and bounded on the North by the public highway formerly called Bell Road; on the South by the South line of said lot on the East by the West line of the above described piece or parcel of land; and on the West by a line parallel with said East line and far enough distant therefrom to contain fifteen (15) acres of land, containing 50 acres more or less, being the same parcel as recorded in Volume 142, page 332 Geauga County Records.

Be the same more or less, but subject to all legal highways;

hereinafter referred to as "The Land"; and

WHEREAS, the Community desires to, and does by these presents imposes upon The Land the conditions, covenants, restrictions, reservations and easements hereinafter set forth, each being intended to run with The Land and become binding upon, inure to the benefit of and be enforceable by the Community, its successors and assign; the Village of South Russell and the South Russell Village Planning Commission; the Kensington Green Homeowners' Association; and the future owners of each and every Sublot within the Kensington Green Subdivision and their respective heirs, Executors, Administrators, successors and assigns for the purpose of enhancing the appearance, value, desirability and quality of the Kensington Green Subdivision; and

WHEREAS, the Community desires to, and does by these presents designates a portion of the subject real estate as "Common Land" for the permanent common recreational use, benefit and enjoyment of all of the future owners of the Sublots within the Kensington Green Subdivision; and

WHEREAS, the Community desires to, and does by these presents creates the Kensington Green Homeowners' Association which shall include as Members all or the future owners of Sublots within the Kensington Green Subdivision to which the Community entrusts the ownership, management, maintenance, improvement and control of the "Common Land":

NOW THEREFORE, the Community hereby declares that The Land is and shall-hereafter be owned, held, occupied, transferred and conveyed subject to the terms and provisions of this instrument and the conditions, covenants, restriction hereinafter set forth.

Definitions

The following words when used in this instrument (unless the context shall prohibit) shall have the following meanings:

(a) "Association" shall mean and refer to the Kensington Green Homeowners' Association, which has been incorporated by Community as an Ohio corporation not for profit,

(b) "Common Land" shall mean and refer to those areas of land shown on the recorded Plats of each phase of the Kensington Green Subdivision which are reserved for the permanent common recreational use, benefit and enjoyment of all of the future Owners of sublots within the Kensington Green Subdivision.

(c) "Sublot" shall mean and refer to each lot of land shown upon the recorded plats of each phase of the Kensington Green Subdivision and any subsequent sublots created by the Association from the Common Land.

(d) "Living Unit" shall mean and refer to any portion of a building situated upon a Sublot designated and intended for use and occupancy as a residence by a single family.

(e) "Owner" shall individually and collectively mean and refer to the recorded owner, whether one or more persons or entities, of the fee simple title to any Sublot or Living Unit situated within the Subdivision but, notwithstanding and applicable theory of the mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

(f) "Member" shall mean and refer to member of Association.

(g) "Supplemental Instrument" shall mean and refer to any instrument recorded hereafter which amends or modifies any provision of this instrument.

Property Rights in the Common Land

Section 1. Members' Easements of Enjoyment. Subject to the provisions of Section 3, every Member shall have a right and easement of enjoyment in and to Common Land and such easement shall be appurtenant to and shall pass with the title to every Sublot.

Section 2. Title to Common Land. Be deed and plat, the Association owns all Kensington Green property designated "Common Land."

Section 3. Extent of Members' Easements. The rights and easements of enjoyment created hereby shall be subject to the following:

(a) the right of the Association to take such steps as are determined by the Board of Trustees to be reasonably necessary to protect the Common Land against foreclosure; and

(b) the right of the Association, as provided in this instrument or by its Articles of Incorporation or Code of Regulations, to suspend the enjoyment rights of any Member for any period during which any assessment remains unpaid, and for any period not to exceed thirty (30) days for any infraction of its published rules and regulations; and

(c) the right of the Association to charge reasonable admission and other fees for the use of Common Land; and

(d) the right of the Association to dedicate or transfer ownership of all or any part of Common Land to any public agency, or to dedicate or transfer easements to public utilities for such purposes and subject to such conditions as may be approved by the Members, provided that no such dedication, or transfer shall be effective unless it shall have been approved and adopted by the affirmative vote of not less than two thirds (2/3) of the votes of the total membership and unless a written notice of the proposed action shall have been sent to every Member at least ninety (90) days in advance of the action being taken, and provided further that such dedication or transfer shall have the prior approval and consent of the Village of South Russell Planning Commission.

Section 4 Management of the Common Land. The Association shall retain the Common Land for park, recreation and open space purposes for the permanent common recreational use and benefit of all Members or occupants of Sublots 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 have been approved and authorized by the affirmative vote of not less than two-thirds (2/3) of the votes of the total membership.

Covenants and Restrictions Governing Sublots or Living Units

Minimum Building Standards

(a) Each Sublot shall be used for single-family residential purposes only.

(b) No more than one Living Unit may be erected on any Sublot.

(c) No building or other structure shall be erected until the plans, working drawings with all elevations reflected thereon, and specifications, including a plot plan showing the location of the buildings or other structure, terraces, patios, walls, fences, driveways, property lines and setback, is submitted to and approved by the Architectural Control Committee of the Association. No alteration in the exterior appearance of any building or structures shall be made without like approval. The exterior appearance of the main building and other buildings on a Sublot shall be the same. The issuance of a building permit by Geauga County or South Russell Village shall not limit the enforcement of these provisions.

(d) If additional Sublots are created by the Association or if existing homes are replaced for any reason, no home shall contain less than the 3,000 square feet plus a basement, exclusive of open porches and attached garages. The area of any home shall be computed on the outside foundation of the first floor and the exterior dimensions of the second floor.

(e) All garages shall be attached to the Living Unit and shall have minimum inside dimensions of 23 feet by 23 feet.

(f) Glass block, concrete block or similar materials shall not be permitted as an exterior material.

(g) Exposed portions of foundation walls shall be brick, stone or cement stucco.

(h) Roofs shall be of slate, wood shingles or shakes, asbestos shingles, flat burned quarry tiles, copper or tin painted, or asphalt shingles. Flat porch roofs may have composition built-up roofing.

(i) All buildings shall have a sloping roof with a minimum pitch of 5 to 12 and a maximum of 15 to 12. The highest point of the roof shall be considered at the ridge pole, which shall be located near the center line of the building, and the roof shall fall toward the outside of the exterior perimeter of the building, the low line of the roof shall parallel the exterior perimeter. Cornices on roof overhangs shall not extend beyond the wall more than eighteen (18) inches except in special cases where the extension serves the purpose of shelter over a doorway.

(j) All structures shall be provided with metallic or wood gutters and downspouts for conducting water away from walls and foundations.

General Provisions

Section 1. Duration. The Covenants, conditions, restrictions, reservations and easements set forth in this instrument shall run with and bind the land, and shall inure to the benefits of and be enforceable by the Community, its successor and assigns; the Village of South Russell and the South Russell Village Planning Commission; the Association, and the owner of the land subject to these covenants and restrictions, their respective heirs, Executors, Administrators, successors, and assigns, unless an instrument approved by the then Members or two-thirds (2/3) of the Sublots has been recorded, agreeing to change said covenants and restrictions in whole or in part.

Section 2. Notices. Any notice required to be sent to any Member under the provisions of this instrument shall be deemed to have been properly sent when mailed or e-mailed to the last known address of the person who appears as Member on the records of the Association at the time of such mailing; or, if none, to the address of the Sublot; or, if not occupied, to the tax mailing address on file with the Geauga County Treasurer.

Section 3. Enforcement. Enforcement of the provisions of this instrument may be by any proceeding at law or in equity against any person or persons violating or attempting to violate any provision hereof, either to restrain violation or to recover damages, and against the land to enforce any lien created hereunder; and failure to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter,

Section 4. Right of Entry Upon Default. Community hereby reserves and is granted the right, and hereby grants to the Association in case of any violation or breach of any or the provisions of this instrument, the right to enter the property upon or as to which such violation or breach exists, and to summarily abate and/or remove, at the expense of the Member thereof, any erection, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof, as interpreted by the Community or by the Association, and neither the Community, nor the Association, nor their respective agents shall, by reason thereof, be deemed guilty of any manner of trespass for such entry, abatement or removal. A failure or delay to enforce any of the provisions contained in this instrument shall in no event be construed, taken or held to be a waiver thereof of acquiescence in or consent to any new, subsequent, further or succeeding breach or violation thereof.

Section 5. Rights of Members Upon Default. Owners of Sublots who are in default as to any of the provisions of this instrument shall have no right to use or benefit from any of the Common Land, utilities or assets of the Association, but if rights, benefits, utilities or assets are used by or extended to such persons, the Association shall not be stopped from later revocation thereof, nor be liable in damages for such revocation. Any denial of use shall not diminish any obligations of defaulting parties hereunder.

Section 6. Severability. The invalidity of any provision of this instrument or of any part of the same, shall not impair or affect in any manner the validity or enforceability of the remainder thereof.

Section 7. Subsequent Instruments of Conveyance. Each owner, by acceptance of a deed from his predecessor in title covenants and agrees to include in any subsequent instrument of conveyance the following legend: "Subject to the provisions of the Kensington Green Code of Regulations in their current or amended form which are recorded in the Geauga County Records."

Section 8. Amendment. This Code of Regulations and Restrictions may be amended by an affirmative vote of two-thirds (2/3) of the votes of the membership taken at a meeting with at least thirty (30) days prior written notice thereof.

2003 Land Management Plan Summary (complete content on file with the Board)

The land management plan that Kensington Green is setting forth has the following objectives:

1. The implementation of sustainable landscape management practices and techniques to strengthen the rural identity of our community;
2. The promotion of natural landscaping and natural vegetation, including the establishment and maintenance of successful meadow areas;
3. The protection of native plants and habitats for plant and animal elements;
4. The improvement of water quality by reducing the amount of impervious surfaces;
5. The establishment of a monitoring component by the Cleveland Museum of Natural History (CMNH) for control of wild tree and shrub growth as well as noxious weeds.

Management Areas

As illustrated in the landscaping schematic prepared by Cawrse & Associates, Kensington Green's common property areas can be divided into the following categories:

1. Areas to be mowed on a weekly seasonal basis;
2. Successional meadow areas, including a mowed buffer along the perimeter; mowing to be done in 3 to 5 year intervals under monitoring auspices of CMNH; this area would also include the west bank of the front entrance pond where the grade needs to be better vegetated to prevent erosion;
3. Woodland area to be maintained as is;
4. Dry detention basin area to be mowed at 3 to 5 year intervals under monitoring auspices of CMNH.

Maintenance Responsibility

The Board of Trustees of the Kensington Green Homeowners Association would be responsible for ensuring the monitoring component and appropriate, responsible follow up procedures.

Natural Vegetation Establishment

If funds permit and if there is community interest, the seeding in of wildflowers, prairie grasses and other native plant species and/or trees would be considered.

Kensington Green Approved Mailbox Design

