MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio

August 17, 2017

CALL TO ORDER 7:00 P.M

PRESENT: Chairman Christopher Smith, Vice Chairman John Lillich, Mayor Robert Weger, Jonathan Irvine, Michael Tyler and Michael Kline

ABSENT: Councilman Christopher Hallum

ALSO PRESENT: City Engineer Pietro DiFranco, BZA Representative Frank Cihula and Clerk Katherine Lloyd

MOTION: John Lillich moved to excuse Councilman Hallum from tonight's proceedings.
Seconded by Michael Tyler
Voice Vote: Ayes Unanimous
Motion Passes. 6/0

Correspondence:

- Email dated 8/7/17 from Assistant City Engineer Trepal RE: Construction of New Single-Family Home at 2972 Rockefeller Rd
- Email dated 8/9/17 from City Engineer DiFranco RE: Minor Alterations Approved between 7/20/17 and 8/9/17 w/ attachment.
- Email dated 8/10/17 from City Engineer DiFranco RE: Zoning Permit – Dino Experience at 27853 Chardon Rd. - PPN: 31-A-008-0-00-018-0
- Email dated 8/11/17 from City Engineer DiFranco to Bill Griffith RE: Conditional Use – Dino Expedition at 27853 Chardon Rd.
- Email dated 8/12/17 from Gloria Majeski to City Engineer DiFranco RE: Dino Plans received from Bill Griffith 8/11/17
- Letter dated 8/14/17 from William Griffith to City Engineer DiFranco
    - RE: City of Willoughby Hills Plan Review dated July 20, 2017 re: Zoning Permit – Dino Expedition at 27853 Chardon Rd.
    - plus Detail Plan for Unit # 10, Shoppes of Willoughby Hills (1 set)

Disposition of Minutes **Meeting of July 20, 2017**

MOTION: Mayor Weger moved to accept minutes of July 20, 2017 as presented.
Seconded by Michael Tyler
Voice Vote: Ayes Unanimous
Motion Passes. 6/0

PUBLIC HEARING

Public Portion opened at 7:03 P.M.

Raymond Sommich, 2941 Legend Lane (former WH Councilman).
My concern is that the Planning Commission will not allow this project to pass this evening. This shopping plaza and that area have been deteriorating for 27 years. As Councilman, I worked to locate a group willing to invest in that area. Now we have an outstanding, experienced group of people who know what they are doing. This is a quick project; it is not a long term viable solution. It is a sign of vibrance to the community. It will bring people and money to the City. Advertising on the radio, television and newspapers will let people know to come to Willoughby Hills. The developer is on a real quick timeframe that will not allow it to continue. This has been done quickly. I urge you to consider it. Please pass it provisionally tonight so they have a chance to correct those concerns.

Public Portion closed at 7:05 P.M.

1.) Bishop Checkmate
Agent/Contractor: N/A
28753 Chardon Rd, Unit 10 – "Dinosaur Experience" – PPN: 31-A-008-0-00-018-0
Plans received in Building Department 7/19/17
Plans reviewed by City Engineer 7/20/17
Plans received in Building Department 8/11/17
Plans received in Building Department 8/14/17

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:05 P.M.
No Comments
Public Portion closed at 7:05 P.M.

1.) Ken and Melanie Kozak
Agent/Contractor: Skoda Construction Inc.
2972 Rockefeller Road – New Home – 31-A-005-A-00-032-0
Plans received in Building Department 7/27/17
Plans reviewed by Building Department 8/4/17
Plans reviewed by City Engineer 8/7/17

Present: Ken Kozak (owner) and Chris Skoda (Builder, Skoda Construction Inc.)

Owner/Representative Comments:
This property was subdivided with a shared driveway with three homes. This 2200 sq. ft. ranch is the second home to be built there. It will have vinyl siding and stone accent on the front of the house. It sits on 2 acres. It will have a sawn shake roof, clay siding and stone on the lower portion of the house.

City Engineer's Comments (DiFranco):
Email dated 8/7/17 from Assistant City Engineer Trepal RE: Construction of New Single-Family Home at 2972 Rockefeller Rd

Board Comments
(Lillich) The left and right elevations are mislabeled or reversed. *I agree.* The Board asks that the stone on the front be returned around each side 18-24 inches. *Okay.*
(Tyler) Is there a septic system? *No, it is City sewer.*
(Lillich) I like how the doors and windows are framed out in front. We asked that the windows and doors all around the house be trimmed out the same way.

MOTION: John Lillich moved to approve the architectural plans for the New Home at 2972 Rockefeller Road with the condition that the stone is wrapped 18-24 inches around the corners on each side contiguous with the front stone and that the windows and doors be trimmed similar to the front all the way around the house.
Seconded by Michael Tyler
Voice Vote: Ayes Unanimous.
Motion Passes: 6/0

Minor Alterations Approved by the Zoning Administrator
Chairman Smith read the following minor alterations into the record.

1.) Maypine Farm LLC
Agent/Contractor: N/A
White Rd. – Sign Replacement – PPN: 31-A 005-G-00-019-0
Plans stamped reviewed by Building Department 7/26/17

2.) Gary Cranke
Agent/Contractor: N/A
2981 Hemlock Dr. – 24' x 34' Accessory Structure - PPN: 31-A-001-D-00-008-0
Plans stamped reviewed by Building Department 7/28/17

Additional Discussion
- (Lillich) I have concern about the size and location of the structure and where it sits from the road.
- (DiFranco) The plan copy may not be clear. The structure sits behind the house. There were no variances required. The colors and finishes will match the shingles, siding and door of the existing house. I conferred with Chairman Smith before making the decision and he concurred.

3.) Anthony L. Yerman
Agent/Contractor: N/A
2944 Bishop Rd. – 15' x 30' Above Ground Swimming Pool –
PPN: 31-A-007-B-00-012-0. 011-0 &013-0
Plans stamped reviewed by Building Department 7/28/17

4.) 9091 LLC
Agent/Contractor: N/A
2571 S.O.M. Center Rd. – Sign Replacement – PPN: 31-A-017-A-00-005-0
Plans stamped reviewed by Building Department 8/3/17

PLANNING COMMISSION

Public Portion opened at 7:11 PM
No Comments
Public Portion closed at 7:11 PM
(Smith) Normally we do not act on the same night as a Public Hearing. In this case, given the circumstances and the fact that there was no public comment or response after sending out letters to the residents within 500 feet, as long as they meet the requirements set for forth by the City Engineer, I would urge the Board to consider approval contingent upon the Engineer's review.

Chairman Smith recused himself from the discussion. Vice Chairman Lillich took over.

1.) Bishop Checkmate
Agent/Contractor: N/A
28753 Chardon Rd, Unit 10 – "Dinosaur Experience" – PPN: 31-A-008-0-00-018-0
Plans received in Building Department 7/19/17
Plans reviewed by City Engineer 7/20/17
Plans received in Building Department 8/11/17
Plans received in Building Department 8/14/17

Detail Plan for Unit # 10, Shoppes of Willoughby Hills (10 sets) received 8/17/17 and distributed at the PCABR meeting.

Present: J. Scott Scheel (Managing Partner of the Project), Zachary Sogoloff (Goodman Real Estate Group), Eric Rivchun (Principal in transaction) and William H. (Bill) Griffith (Construction Manager).

(Lillich) After the meeting on July 20, 2017, the Board left you with large project to do in a short period of time. Please tell us how you have progressed with it.
(DiFranco) The plans were here this afternoon. I did not get a chance to look at them.

Owner/Representative Comments:
(Shield) We appreciate the time and the special hearing. This is an unusual circumstance for us. It came up late in the process as a temporary use for our facility. For us, it is about awareness for the community and more about bringing life and vibrance back to facility that has been dormant for quite some time. From an economic perspective, this would be a loss for us. We have been investing heavily in the facility. We are trying to do so quickly and appropriately in the zoning code and the requirements that were set forth. We understood the short time frame. The tenant was extremely excited about the opportunity to piggyback on about $50,000 in marketing that would drive a lot of traffic to the City and give us the opportunity to reintroduce the Shoppes of Willoughby Hills around greater Cleveland and beyond.

Mr. Sogoloff, Rivchun and Griffith were tasked with addressing all of the concerns for a use of this size and the temporary nature. We felt it was a worthwhile effort. We have plans to open an enterprise, American Exhibitions. This concept will allow us, in the future, to be able to accommodate these things more effectively. We appreciate the indulgence and considerations this Board has given us. My team worked very hard to meet the requirements for fire protection, accessibility and sustainability within the facilities. Bill Griffith will address the specifics of construction and work that has been done.

We have made good momentum. We announced signing the lease with Spire Fitness for a 40,000 sq. ft. Diamond Club (their highest). It will include a lap pool, indoor basketball courts and first class amenities. We continue to negotiate with other large players. They are starting to recognize the

extensive dollars spent since we acquired the facility. We replaced all of the concrete apron entry ways. We addressed the paving, drainage, façade, landscaping and security. We are trying to show, rather than just tell the Board what we will do. We ask extra consideration because of what we are trying to accomplish today. We cannot do this and the entire project without the Board.

We spoke with people in the City, members of Council, the Mayor and the Law Director before investing in a project of this size and nature. We got the feeling that 'this is the right place to be". We will overcome almost every hurdle we can to make sure this is an enjoyable, safe exhibit.

Board Comments:
(Tyler) At the last meeting we asked about safety. Above what the Fire Department requires, is there anything that can be done to make the building and environment safer for children, our residents and other people coming to our City?

(Griffith) We have done everything to be certain that it is a safe, sound structure. I will take my grandchildren to the Dinosaur Experience. We have excellent fire suppression. All the required fire extinguishers are brand new and installed in the correct areas. We have stamped architect drawings drawn to scale depicting the fixture and layouts as it relates to the tenants and the safety issues we are addressing such as the fabric curtain walls within the confines of the area. All the building made to code. Unfortunately, Mr. DiFranco was busy. I got the updated drawings in here today. They address any and all the issues. [Layout shown] All of the items in the information package requested by Mr. DiFranco have been more than addressed.

(Tyler) I wanted know if there were any additional measures you were doing to increase safety in addition to the minimum standard you need to abide by. It needs to be safe.
(Griffith) We are covering what the law requested, the stretch fabric curtain walls. The electrical contractor is there addressing all issues including updating all brand new exterior lighting, all the entrances and exits, emergency lighting. We are covering all safety issues and it is all documented.

(Lillich) Mr. DiFranco, the plans were just dropped in your lap. We are interested to hear from you.

City Engineer's Comments (DiFranco):
I am a licensed professional by the State of Ohio. I take that very seriously. I am held by a Code of Ethics. I do not appreciate being rushed or forced to make recommendations without having sufficient time to review anything. So I am not going to recommend anything to you. I will give my objective observations. I am not a member of the community. I do not benefit from it. It is your decision for the community.

- When I scale the drawing, the square footage comes out to 73,000 sq. ft. not the 57,000 sq. ft. that is on the application. Therefore, there is not enough parking to comply. A variance is needed.
- I spoke with the Fire Department just before this meeting. They have not had a chance to review or inspect this.
- The Lake County Building Department has not had a chance to review or inspect this.

(Griffith) I met with Lt. Heller. She agreed to have someone present at the annual inspection that was being scheduled for this past Tuesday, August 15th at 9:00. Unfortunately, no one showed up. By 10:30-11:00, I reached out. At that time, they informed me that they were a couple of men short and could not attend. I have been in constant communication with Lt. Heller as well as the other lieutenant. They are in receipt of the Fire Annual Inspection which we passed with flying colors. They say that what we submitted is a certificate of being in compliance. *[Brown Sprinkler Service, Inc., Report of Inspection, 8/15/17 – copy provided.]*

(DiFranco) They told me they need advance scheduling, at least 24-hour notice, to schedule a fire inspection.
(Griffith) It was a week prior. At that time they said that they were men short, without a chief and it would be a challenge. But because we are putting forth the effort, they agreed to be in attendance at that scheduled fire suppression inspection.
(DiFranco) I just wanted to give my observations. It is up to the Board to decide.

(Shield) Again, everyone, and especially Mr. DiFranco, we genuinely understand your position. I respect it 100%. This is very unusual for us as well. We don't rush through projects such as this. It is a labor of intense detail but a unique opportunity arose and we decided to try and take advantage of it.

- Before the scaled architectural drawings were stamped, there was an attempt to present the scale drawings but we were after our submission time frame. I can imagine this is not the only project you are working on.
- Also with the scale drawings, I believe we have more than adequate parking. With this project being called out to be 2 ½ times the parking load of Sam's Club is extraordinary. I think, based on the fact that with about 1/3 of the space is being utilized, that we have adequate parking. With it being classified as a skating rink which is the weightiest load a structure can have within your zoning code, we still cleared that margin. If you have the opportunity after this meeting to look at our scale drawings, you will find that is the case.
- Unfortunately, our initial CAD drawings had a problem with the software from the architect. It was not perfectly to scale. They would probably seem out-of-whack when Mr. DiFranco scaled them. But the new scaled drawing will show that we are utilizing space that would provide for adequate parking even with maximum load factor.
- All the parking that overflows the dedicated Sam's Club parking, is also our parking. The adjacent spaces for the empty theater with its parking load and Office Max have no parking bumpers and with a brand new, contiguous concrete pedestrian walkway that would allow that access. We are probably 'over-parked'.

I say this respectfully. I appreciate the energy and the effort that you put into even giving us the opportunity to try and clear this hurdle. I hope you see that we take it seriously and we come respectfully. Regardless of the decision tonight, we will continue to work to make the City proud and to make this the best project it can be. This was an opportunity to get significant dollars at the end of summer for a special use in marketing. The cost to get here is 5-7 times what we will get in rent.
I thank you all. I thank the City Engineer for his time and effort through this process.
(Lillich) There are more questions to be answered and we do want the Zoning Administrator to be satisfied. I do think we can consider a motion contingent on his final satisfaction with the issues of fire, safety, parking, etc.

MOTION: Mayor Weger moved approve the Dino Expedition project at the Shoppes at Willoughby Hills, Unit 10 (former Sam's Club) contingent on the Willoughby Hills Fire Department, the Lake County Building Department and the City Engineer Reviewing the plans and taking care of all of the loose ends that we have right now. Seconded by Michael Tyler.

Additional Discussion:
(DiFranco) Part to that is getting the Lake County Building Department approval. Will they review this prior to a zoning certificate being issue? *(Scheel) Absolutely. Yes.*
(DiFranco) You do not need my approval to proceed with that? *(Scheel) That is correct.* I do not want to hold anything up and I will not approve it unless the WH Fire Department and the Lake County Building Department provides something in writing to me that they are okay with everything.

(Lillich) I need to point out that sometimes there are misunderstandings. I want everyone to understand that a Conditional Use Permit is very specific.

Voice Vote: Ayes Unanimous.
Motion Passes: 6/0

Chairman Smith rejoined the Board.

UNFINISHED BUSINESS
None

NEW BUSINESS
None

MAYOR'S REPORT
None

COUNCIL REPRESENTATIVE'S REPORT (Hallum)
None

BUILDING COMMISSIONER'S REPORT
None

CHAIRMAN'S REPORT
None

BOARD MEMBERS'S REPORT (Tyler)
With regret, Mr. Tyler resigned from the PCABR effective at the conclusion of this meeting today. His responsibilities with the Lions have been increasing. They will continue to increase until he serves as District Governor for 2019. He is grateful for this opportunity to serve the Board and the residents of our City and offered his best for the continued success of this Board.

(Smith) Thank you for your service and best of luck with the Lions
Mayor Weger presented Mr. Tyler with a coin that is a special recognition of the Mayor.

MOTION: Michael Tyler moved to adjourn the meeting.
Seconded by John Lillich
Voice Vote: Ayes Unanimous.
Motion Passes: 6/0

Meeting Adjourned at 7:40 P.M.

Katherine Lloyd
Katherine Lloyd, Clerk

Chairman

7 SEP 17
Date Approved