

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

January 15, 2015

CALL TO ORDER 7:00 P.M

PRESENT: Vice Chairman John Lillich, Mayor Robert Weger, Council Representative David Fiebig, Joseph Zawatski, Christopher Smith and Jonathon Irvine

ABSENT: Chairman Charlotte Schryer

ALSO PRESENT: Building Commissioner Fred Wyss, BZA Representative Frank Cihula, Economic Development Steve Roszczyk and Clerk Katherine Lloyd

MOTION: Councilman David Fiebig moved to excuse Charlotte Schryer from tonight's meeting.
Seconded by Mayor Weger
Roll call: Ayes unanimous
Motion passes 6/0.

2015 ORGANIZATION

Nominations opened for Chairman.

Councilman Fiebig nominated Christopher Smith for Chairman.
Seconded by Mayor Weger

Vice Chairman Lillich asked three times for additional nominations.
Nominations were closed.
Voice Vote: Ayes Unanimous

2015 Chairman: Christopher Smith

Nominations opened for Vice Chairman

Joseph Zawatski nominated John Lillich for Vice Chairman.
Seconded by Councilman Fiebig

Nominations were closed.
Voice Vote: Ayes Unanimous

2015 Vice Chairman: John Lillich

Appointment of PCABR Clerk

MOTION: Joseph Zawatski moved to appoint Katherine Lloyd as clerk.
Seconded by Councilman Fiebig.
Roll call: Ayes unanimous
Motion passes 6/0.

2015 Clerk: Katherine Lloyd

Correspondence:

- Letter dated 6-24-14 to Senior Project Manager, Thomas James Ciha from Willoughby Hills City Engineer Pietro DiFranco RE: Bishop Plaza Lot Split Utility Plan (2820-2830 Bishop Rd.)
- Letter dated 12-10-14 to Michael R. Makarich and Michael Makarich, Jr. RE: Case 2014-7 received from Willoughby Hills BZA on 12/10/14
- Memo dated December 19, 2014 from Asst. City Engineer Collins RE: 37250 Chardon Rd. (PPN 31A-2A-2) & 2911 Hunters Woods (PPN 31A-1F-1-5)
- Memo dated January 6, 2015 from Gloria Majeski RE: Revised City Roster and City Hall Roster, updated 1/6/15. Distributed to Board.

Disposition of Minutes

Meeting of November 6, 2014

MOTION: Councilman Fiebig moved to approve the Minutes of November 6, 2014.
Seconded by Mayor Weger.
Roll call: Ayes unanimous
Motion passes 6/0.

Disposition of Minutes

Meeting of November 20, 2014

MOTION: John Lillich moved to approve the Minutes of November 20, 2014.
Seconded by Mayor Weger.
Roll call: Ayes unanimous
Motion passes 6/0.

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:07 P.M.

No Public input

Public Portion closed at 7:07 P.M.

1.) David Hollis

Contractor: Cicogna Electric & Sign Co.

2860 Bishop Rd. – New Sign Installation - PPN: 31-A-008-C-00-058-0

Plans stamped received in Building Department 12/16/14

Plans reviewed by Building Department 12/23/14

Present: Jerry Helsel, Cicogna Electric

Owner/Representative Comments:

- We will replace the existing ground sign with a new ground sign for the owner.
- The existing wood frame sign is small, outdated and does not 'read' well.
- The new double-face monument sign will have six tenant panels and the address at the top of the sign. The panels and address will be illuminated with internal LED lighting. The background will not be illuminated.

City Engineer's Comments (DiFranco):

None

Board Comments

(Lillich) It will be a grand improvement.

(Fiebig) Does the existing sign have electricity? *No.* Do you have a plan included for the electric? *We are only doing the sign. The owner will have an electrical contractor do it. Reportedly, there used to be electric out there.*

(Wyss) The sign code requires that the sign be five feet from the right of way (ROW) to the outside. Most of the ROW is roadway at that point. You may need to have a surveyor mark it. *We plan to have it marked to know where the ROW is. We can have that done ahead of time. There is about 25 feet of landscaping along Bishop Rd. so we will have extra room closer to the parking lot for the sign.* Once approved, I issue the building permit. Lake Co. Building Department issues the commercial electrical permit.

(Fiebig) Did you take into consideration possible visual obstruction to traffic? *We considered that but do not feel that there is an obstruction issue because it is set back from the driveway. Sign Code only allows 8-feet tall so there is not much clearance below the eight feet.*

MOTION: John Lillich moved to approve the New Sign Installation at 2860 Bishop Rd. as submitted.
Seconded by Joseph Zawatski
Voice Vote: Ayes Unanimous
Motion Passes 6/0

PLANNING COMMISSION

Public Portion opened at 7:13 P.M.

No Public Input

Public Portion closed at 7:13 P.M.

1.) Donaldson Properties, Ltd.

Contractor: N/A

2820-2824-2830 Bishop Rd. – Lot Split - PPN: 31-A-008-0-00-012-0

Plans stamped received in Building Department 12/12/14

Plans reviewed by Building Department 1/12/15

Present: Jim Ruggles (Eddie's Bike Shop, Ryan Rivchun (for Eddie's Bike Shop)
and Eric Rivchun (for Donaldson Properties)

Owner/Representative Comments

- We want to split the lots as they are now to take the outparcel, where Eddie's Bike Shop is located, and create its own parcel so that Mr. Ruggles can purchase the building that he occupies as a tenant.
- In doing the lot split, the utilities will be re-routed so that the Bike Shop parcel and the Donaldson properties will be serviced independently.
- We have worked with the City Engineer and all applicable utility companies to make this plan.

City Engineer's Comments (DiFranco):

- This was a complicated project. The utilities for the entire shopping center currently go through the smaller Eddie's Bike Shop parcel. One parcel controlled the utilities for the other parcels.
- The concern was that for the future in that one parcel would be sold.
- Working with the applicant, language has been added to the deeds which preserve rights for the City to be a part of the utility easement agreements without the City actually accepting any maintenance or dedication of those easements.
- If the entire shopping center gets sold in the future, everyone will be able to retain utility access.

(Rivchun) Also included in the easement, if work is not getting done, the City has the right and the mechanisms to make sure work gets done.

Packet included the Letter dated 6-24-14 to Senior Project Manager, Thomas James Ciha from Willoughby Hills City Engineer Pietro DiFranco RE: Bishop Plaza Lot Split Utility Plan (2820-2830 Bishop Rd.)

Board Comments

(Lillich) It looks like you checked all the details

(Smith) How long have you been working on this process? *It was close to a year. Our engineers have worked hard. We appreciate you working with the City.*

(Fiebig) Is there any part of the legal description that has the easement that we were provided? *The City's rights are contained in the reciprocal easement agreement. There is an extension of rights to use it.*

(DiFranco) I have the full document. I don't think it was distributed. *It's a 40-page reciprocal easement agreement. If that is the condition of approving the split, that Pete approves that the City has it, we have no problem making sure any file adjustment that the Law Director or City Engineer wants, we will make sure it is in the document. It was reviewed by the Law Director.*

(Fiebig) Is that a signed agreement in place now or is it still in process? *Once we have Planning Commission approval, we will make sure all the easements are laid out and have been put in place and will finalize and sign all the documents.*

MOTION: John Lillich moved to approve the Lot Split at 2820-2824-2830 Bishop Rd. pending the final approval and acceptance by the City of the documents.

Seconded by Joseph Zawatski

Voice Vote: Ayes Unanimous

Motion Passes 6/0

2.) Faye Sivazlian

Contractor: Audry Grant, Western Reserve Title Company, LTD

2911 Hunters Woods – Lot Split & Consolidation - PPN: 31-A-002-A-00-001-0 & 31-A-001-F-01-005-0

Plans stamped received in Building Department 9/17/14

Plans reviewed by Building Department 1/12/15

Present: Dave Fisher (Mountain Run Forestry) and Marvin Detweiler (Mountain Run Forestry).

Faye Sivazlian (owner) is not present.

Owner/Representative Comments

We plan to get the lot split approved for Faye Sivazlian in the Hunter's Woods section. It is a total of 18 ½ acres.

City Engineer's Comments (DiFranco):

- There are currently two parcels of land.
 - The larger parcel is accessed from Chardon Rd. It is actually split by a paper street as well as the Chagrin River. So it is in three parts.
 - The second parcel on the south side of the Chagrin River is accessed by Hunter's Woods Lane.
- They are proposing to combine all the land south of river into a larger parcel (parcel #3) of about 18 ½ acres.
- They also propose to split the land north of the river into two pieces. One will be on the west side of the paper street. The other piece will be on the east side of the paper street.
- The result will be three parcels of land.

(Smith) What are the sizes of the other lots that we are creating? *They are in the table. The orange parcel which is on the west side of the paper street will be about 9 acres. The green parcel on the east of the paper street will be about 39 ½ acres*

- *Memo dated December 19, 2014 from Asst. City Engineer Collins
RE: 37250 Chardon Rd. (PPN 31A-2A-2) & 2911 Hunters Woods (PPN 31A-1F-1-5)*

Board Comments

(Fiebig) Faye Sivazlian is not here. Are you representing her? *We are the buyers.* I think that she (Sivazlian) needs to be here.

(Lillich) Or her legal representative. Who submitted the application? *Attorney Doug King filed the purchase agreement and contract. She signed all that at Mr. King's office a couple of weeks ago.*

(Wyss) There is copy of the purchase agreement, but not in all the packets.

(Fisher) *We could drive down and pick her up if necessary. She is just down the street. She did sign an affidavit, which is in the other file that she is in agreement with finally going forward with all of this. She did go back and forth several times. She rescinded it; re-invoked it; rescinded it; and then re-invoked it again.*

(Lillich) Faye and I could probably write a book on this property going back about 15 years. The last time we talked about the Hunter's Woods property, she purchased a parcel of land off the private road to have access to these properties behind. At that time, she and the Homeowners Association (HOA) were in serious disagreement. My recollection is that her ability to put a private drive through those back lots off the private drive had to have a unanimous approval of the HOA. My question now is whether she ever got all that worked out.

(Wyss) I have no idea. It has been my concern all along that I do not have any HOA documentation for that for that subdivision. For the record, as Zoning Administrator, I will enforce any rules that the HOA has. If you have not looked into the legalities of the property that you are purchasing, I am warning you that there may be restrictions on what you can do on that property.

(Fisher) *I talked to the president of the private drive there. He said that to use the road, we would have to put up \$5,000. As a surety bond? Yes. But there is also a legal right of way (ROW) besides the road that is going through there. It is on the map.*

(Wyss) The ROW stops at the cul-de-sac. The rest is easement driveway going up to the secondary cul-de-sac.

(Lillich) The second ROW may be a second HOA from Hunter's Woods. *It goes into Faye's property.* Yes, it does. Her problem before was that she purchase that property at auction an number of years ago so she could get an access drive to put homes back there. At that, the HOA would not let her put a private drive through.

(Fiebig) I think we have an improper application. If Mountain Run Forestry is the current owner, we need to have the application from them in order to make the proper split.

(DiFranco) You have not purchased the property yet? *We had to wait on this meeting and the lot split.* Faye still owns the property.

(Lillich) If Faye were here, she could answer these questions. *There is a purchase agreement signed. The attorney drew everything up. We were just waiting on getting the lot split approved.*

(Smith) The real question is whether this board can approve a lot split for a third party. Technically, Faye owns the property. (Fisher) *I was told that she did not need to be here. If I had known, I would have made sure she was here.*

(Fiebig) Either Faye or her legal representative needs to be here. *Does it mean anything that she signed the Purchase Agreement?*

(Smith) The Purchase Agreement is the intent to sell. The sale has not gone through. *The sale can't go through until the lot is split.*

(Lillich) It is common procedure that the owner or her legal representative sign the application and be present. *She did sign the application.*

(Wyss) She did sign the application.

Mr. Wyss asked the Clerk if the owner, Faye Sivazlian had been notified about tonight's meeting. After checking her notes, the Clerk confirmed that that she had contacted the owner and that the owner said she would 'be there'. Mr. Wyss left the meeting to contact Ms. Sivazlian by telephone.

(Lillich) During this time, I would like to say that this plat survey map seems to have been taken from an old plat map. We have some old and some very new information on this map. I believe that all these lots that are numbered 1, 3, 4, 5 on up to Hayes Drive and into the 60's, etc. when it was subdivided in 1928. To my knowledge, we have never approved a lot split with this many lots on it. I would not want anyone to get confused or to read into a motion that we are approving all these individual lots. *She said she got some lots approved. All we are trying to do is buy this property. She finally agreed to sign the Purchase Agreement at the attorney's office. Everything is legal.* We do not doubt you. There are procedures we need to follow.

(Cihula) If the Board saw the tax map or plat map of Hunter's Woods and the way it is laid out, they would understand those folks' concern about what is happening with this property.

(Fiebig) While we are waiting for Mr. Wyss, you are Mountain Run Forestry, are you planning to do some forestry with the land? *It is a nice piece of property. We do not plan to 'bomb' it. Some trees will be taken down depending on the homeowner.* It is the largest property owned by one person in the City.

Mr. Wyss reported on his telephone call to Ms. Sivazlian. She would like to postpone until the next meeting. She says there are some issues about payment. She says that she did not speak with the Clerk about tonight's meeting.

MOTION: David Fiebig moved to postpone this application for the Lot Split & Consolidation at 2911 Hunters Woods until our next meeting.
Seconded by John Lillich

Discussion:

(Fiebig) We had a chance to review some of the facts.

(Lillich) Other than having the owner present, I do not see any reason why we would not approve the lot split.

(Detweiler) Would it be wise to have our attorney here for the next meeting? *Yes.*

Voice Vote: Ayes Unanimous
Motion Passes 6/0

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT (Fiebig)

None

BUILDING COMMISSIONER'S REPORT

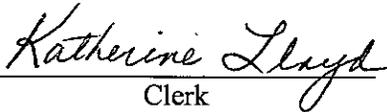
There are three houses coming for review: Michelle Court, Sayle Drive and White Road.

CHAIRMAN'S REPORT

Thank you for your faith and trust.

MOTION: David Fiebig moved to adjourn.
Seconded by John Lillich
Voice Vote: Ayes Unanimous
Motion Passes 6/0

Adjourned at 7:41 P.M.


Clerk


Chairman

Date Approved 2/5/2015