

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

**February 7, 2013**

**CALL TO ORDER:** 7:01 pm

The Board welcomed Pietro A. DiFranco, P.E., Director of Civil Engineering with Richard L. Bowen & Associates, Inc.

**PRESENT:** Chairman Charlotte Schryer, Vice Chairman John Lillich, Mayor Robert Weger, Council Representative David Fiebig, Madeleine Smith and John Davis

**ALSO PRESENT:** City Engineer Pete DiFranco, Building Commissioner Fred Wyss  
BZA Representative Frank Cihula and Clerk Katherine Lloyd

**Disposition of Minutes** – Meeting of January 3, 2013  
(Schryer) There was a question about a date that was added to the chairman's statement on page 5. The date did not show up on the recording. The chairman does not remember saying the date. Therefore, that date has been removed from the January 3, 2013 minutes.

**MOTION:** Councilman Fiebig moved to approve the Minutes of January 3, 2013 as amended.  
Seconded by John Lillich  
Roll call: Ayes Unanimous  
**Motion Passes 6/0**

**Disposition of Minutes** Meeting of January 17, 2013  
Chairman Schryer distributed a proposed amendment to the motion for 2586 River Road.

(Schryer) I am requesting that the Board amend the motion for 2586 River Road on page 3 in these minutes. It needs more information. When the Board is approving something under the Equivalency Provision, that Equivalency Provision needs to be stated in the motion.

**MOTION:** David Fiebig moved to amend the motion for 2586 River Road to include the 35 foot setback and the Equivalency Provision. He framed the motion as follows:

“David Fiebig moved that the Board approve the site plan for 2586 River Road allowing a setback of 35 feet. The change in the setback is granted by the Equivalency Provision 1111.15 in the Codified Zoning Code of Willoughby Hills, with the one exception that if the porch is enclosed, they must apply for a variance to meet the rear setback.”

Seconded by John Davis  
Roll call: 5 Ayes and 1 Abstention (Schryer)  
**Motion passes**

**ARCHITECTURAL BOARD OF REVIEW**

Public Portion opened at 7:06 pm.  
No public input.  
Public Portion closed at 7:06 pm.

No pending Business

**PLANNING COMMISSION**

Public Portion opened at 7:07 pm.

No public input.

Public Portion closed at 7:07 pm.

1. Ivan Susic

Contractor: Ivan Susic

**36165 & 36141 & 36135 Chardon Road. – Minor Lot Split - PPN: 31-A-011-0-02-039-0, and  
31-A-011-0-02-040-0, and  
31-A-011-0-02-041-0**

Plans stamped received by Building Department 1-14-13

Plans reviewed by Building Department 1-31-13

Plans received by City Engineer 1-31-13

Plans stamped reviewed by City Engineer 2-1-13

Present: Robert Smoltz (surveyor for project) and Ivan Susic

**Owner/Representative Comments:**

- There has been no change since the discussion at the Work Session [PCABR meeting 12/6/2012]
- The intent is to reconfigure three parcels as they exist now into three parcels.
- The plan shows the proposed new, reconfigured parcels outlined in orange. The old, existing parcels outlined in yellow.
- On the plan, the surveyor indicated changes from the existing lots to what will be part of the newly configured lots.

(Schryer) Were you able to obtain septic approvals for these lots? *The Approval Letters have been submitted to the Building Department.*

**City Architect's Comments:**

I reviewed it and have no comments.

**Board Comments:**

(Lillich) My question is for the City Engineer, did the Legal Description accurately describe what is on the map? *(DiFranco) Yes. As far as I saw, yes.*

(Smoltz) The discrepancies discussed at the previous meeting have been correct.

MOTION: John Lillich moved that the Board approve the Minor Lot Split at 36135 & 36141 & 36165 Chardon Road as presented.  
Seconded by Madeleine Smith

**Additional Discussion**

(Wyss) Due to the 20-foot flag being reiterated on this lot split and it [the flag lot] not being part of our Code, we should cite the Equivalency Provision along with this approval for legalities with the Zoning Code. We are re-splitting the lots and creating the same number of lots. The 20-foot flag is not part of the current Code. This is a perfect example of the Equivalency Provision and should be cited in the motion.

**RESTATED MOTION:**

John Lillich moved that the Board grant the Minor Lot Split at 36135 & 36141 & 36165 Chardon Road as presented. Granting of the lot split is backed by the Equivalency Provision 1111.15 in the Codified Zoning Code of Willoughby Hills.

Seconded by Madeleine Smith

Roll call: Ayes Unanimous

**Motion Passes 6/0**

Additional Discussion

(Schryer) The plans will be stamped in the office tomorrow.

(Wyss) We will need three sets of plans signed by the Engineer and stamped by the PCABR Chairman.

Work Session

1. Lancaster Land, L.P. (Clover)

Contractor: Lon C. Marino

**35100 Chardon Rd – Congregate Care– PPN: 31-A-004-0-00-024-0**

**31-A-004-0-00-025-0**

Plans stamped received by Building Department 1-30-13

Plans reviewed by Building Department 1-30-13

Present: Lon C. Marino (Clover Construction)

Owner/Representative Comments:

- Introduction of the Company: Clover is new to this area. I am new to the company but not to the area. It was started in 1967 by a man named Michael Joseph who is still the CEO and President. Clover has managed, developed and owned more than 150 properties in the U.S. It currently owns and manages 10 million square foot of properties which includes 13 market rents senior apartment buildings in the country. That is a total of about 2000 apartments.
- Clover Construction is the development arm of Clover Management, Inc. We develop the market rate senior apartments for Clover Construction. We currently have seven under construction in New York, Connecticut, Erie, Pennsylvania and Tulsa, Oklahoma. They have ten to twelve projects under consideration which would become 20 apartment buildings.
- The proposed site in Willoughby Hills is on 5.6 acres of vacant land. It is the DeFini property, also known as Chagrin North Development.
- We proposed to build 3-story market rent senior apartments. It will be wood construction with vinyl siding. Color scheme would be earth-tone.
- It will be 109 square foot with 113 units. 84 units will have two bedrooms. 29 will be 1-bedroom units
- There would be nine completely enclosed garages with regular garage doors onsite separate from the apartment buildings. Garages are depicted on the site plan. Not all of the units have them. Many times, a resident uses them as extra storage.
- Each building will have a community room on the first floor, sitting areas on the first and second floor, a library, usually on the second floor and laundry facilities on each floor.
- An exercise facility and beauty salon are provided in every building.
- Typically, there is a person at the front desk from 7:00 A.M. to 6:00 P.M. Entrance door is locked at 6:00 P.M. Only access to the building would be a pass key or card.
- A full-time maintenance person lives onsite. He handles all maintenance. He would use local companies for things he cannot handle, like landscaping, snow removal and plumbing
- Market rents are expected to be about \$830 for a single unit (650 square foot) and \$935 for a 2-bedroom unit (830 square foot). That includes water and heat. Each unit will have a balcony.
- We market to seniors 55 year old and older. All advertising and signage indicate ‘senior independent living’ apartments.
- The lease requires proof of age. We verify the identification of our tenants.
- A Concept plan was shown with the typical elevations.

- Sample Rendering of the apartment complex was shown to illustrate the exercise and laundry facilities, back patio off the first floor, apartment layout, common room on 1<sup>st</sup> floor with kitchenette, library & sitting room on the top.
- Many of our residents do not drive. Our typical resident is a female, widowed, between the ages of 75 and 85.
- This is a 10 million dollar investment. We want to keep it affordable for the residents.
- Timeframe: We would like to break ground in 2013. We are planning 15-20 projects for this demographic in Northeast Ohio now. Nothing has been built in this area yet. Erie is closest.
- He offered to arrange a tour of one of their new senior apartment building in Erie, PA that is due to open in two weeks. The name of facility will be sent to The Building Commissioner.

**City Engineer's Comments:**

- Stormwater management? (*Marino*) *Our concern is meeting all codes, quality control, EPA and stormwater management*
- Curb cuts will be planned out with the City Engineer before a preliminary review.

**Board Comments and discussion of concerns included:**

- Confirmation that it is marketed as a 55 and older facility. *Yes, we start marketing the facility as a market-rate, independent senior living apartment when we break ground. Generally they are pre-leased by the time the apartments are ready for occupancy.*
- Type of market research done in the area. *We looked for a demographic of about 10, 000 people who are 65 years and older in a 5-mile radius for the 113 units.*
- Does 'affordable senior housing' mean that there is a 'cap' on income? *No, it is market-rate, not subsidized housing. We try to keep our rates and increases commensurate with residents whose income does have a 'cap'.*
- Changes in the demographic: What will happen in the future if there is not the 'draw' to keep this place full? The senior group in the area may not stay a 'senior' population. *It has not happened yet. We market for seniors at senior rates. If that does happen, we would probably come back to the City if there needed to be any changes. Because of the demographics and 'baby boomers' we are currently planning for 10-12 apartment complexes in other areas, too. Demographic draws from area where people would still have families and be able to go to restaurants. This provides an option for people to stay in area where they have been living*
- Federal Fair Housing Act (FHA) A copy of the act was requested by several members of the Board. The Building Commissioner and Councilman Fiebig cited definitions of the term 'senior' which was used during review of Mary Rose Estates to determine portion of seniors required in facility. Mary Rose Estates is subsidized housing
- Use of the land: It is in a B-2 area which permits a group of shops on the lower floor and apartments in upper floors. The beauty salon will be on the first floor. It is similar to have shops & apartments
- Conditional Use: Questions of making it a conditional use for 55 and over in anticipation of changing senior demographic in the future was discussed. Applicant does not need to wait for placing of conditional use because it is permitted by right under the Zoning Code.
- City Center:
  - How would this project 'fit' in our City Center? The property has been vacant for 23 years. The location is somewhat hidden. We do want the land developed.
  - Board concern expressed about what could happen to an apartment bldg in the center of town.
  - Would people of this demographic make good use of the city center? There are no sidewalks or shopping facilities within walking distance for people of that age.
  - Walkways in City Center: Low potential because the City would need to get a grant.

- The City has a low Walk-ability score by design because of our 1-acre lots and no sidewalks.
- Garages:
  - Access to garage in the winter. *Custodian or a snow removal company keeps access clear.*
  - Architectural renderings of the garages were requested. The Board would like to assess the possibility of locating garages close to apartments, attached or underground. The architecture of those will be important to the looks of the premises. Car ports are less attractive.
  - Possibility of reversing the shorter wing of the building so that garages could be placed next to building was suggested. That way the garages would not be the prominent view of the buildings.
  - This parcel is under a Deed restriction for the residential development to the south. There is a 70-foot buffer to the south of the structure. There wouldn't be room for the garages in that area. The original plan they sent had the garages on the green space next to the church. That is the deed restricted buffer
  - Handicapped parking spaces: State code will specify what is required. This population would need a good many spaces
- Architecture of the actual building:
  - Plans show shutters but more detail to accentuate the windows and doorways would help it blend with houses in WH that have enhanced architecture with trim. Architecture is very similar to Mary Rose Estates but with vinyl. Window trims are usual requests.
  - Access and Egress to building: There is one set of elevators at entrance of each building. Plans show the other doors.
  - Dining room or meal preparation for residents who do not want to cook is not included.
  - Pet policy for dogs, cats or other pets? *Unknown.*
- Is there provision for bus transportation? No, residents would need to use personal cars, public transportation via LakeTran by appointment or get rides from friends and relatives.
- Impact on the police and fire departments because of the increased population density coverage and also because most of residents are 75-85. Initial review does not see a problem.
- Steve Roszczyk in Economic Development has been working with Clover Development regarding this property. *Northeast Ohio is a natural progression from Buffalo and Erie. Willoughby Hills would be a good 'fit'*
- City Attorney Lobe will be asked to review whether the Fair Housing Act would apply. Does the whole facility need to be 55 years old or older? He can also review the question raised regarding Conditional Use (require 55+).

Notification about this project will be mailed to residents within 250 feet about this project. They will be able to bring their input whenever the applicant comes back.

Status of this project will also be posted on the City Website under Planning commission Development Projects. Questions can be directed to the Building Dept because everything starts there.

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

None

### **MAYOR'S REPORT**

Pancake Breakfast tickets will be distributed to Board for sale.

**COUNCIL REPRESENTATIVE'S REPORT**

- Firehouse Pancake Breakfast is this Sunday, February 10<sup>th</sup> from 8:30 to 1:30. Profits will be used to purchase helmets for third graders at Edison School/
- St Noel's Youth Group Annual Breakfast is this Sunday also.

**BUILDING COMMISSIONER'S REPORT**

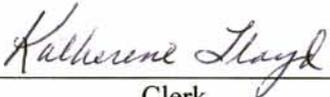
None

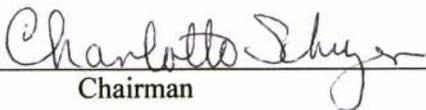
**CHAIRMAN'S REPORT**

None

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

**Adjourned at 8:04 pm.**

  
\_\_\_\_\_  
Clerk

  
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Chairman

Date Approved 2-21-2013