

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

**February 20, 2014**

**ZONING CODE WORK SESSION 6:00 P.M.**

**ATTENDEES:**

Chairman Charlotte Schryer, Vice Chairman John Lillich, John Davis, Joe Zawatski, Christopher Smith, Building Commissioner Fred Wyss, City Engineer Pietro DiFranco, BZA Representative Frank Cihula. Councilman Ray Somich, Councilman Chris Hallum. Economic Development Steve Roszczyk and Clerk Katherine Lloyd

**Folder with documents distributed to the Board and audience included**

- Section 1153.11 proposed change
- Summary of Acres
- Mailboxes proposed Ordinance
- Updated Zoning Map
- Overlay District information

(Schryer) Everyone got a folder with zoning documents. Most of them are in Word document format so they will be easier to work with on the zoning code changes. Next time we meet, the rest of the documents will be added.

**1.) East Side of Bishop Road between Eddy Road and Chardon Road – Cross Access Connections, Curb Cuts and Easements**

(Schryer) This document starts with how it appears in the Code with Section 1153.11. The next page is Fred's 'homework'. He wrote up an actual section of the code. He found a cross reference to another section; it was added as 1153.10(1)(d) of the blue section. You have the maps. Please talk about any part of this proposal.

**Board Comments**

(Smith) Is there anything in the Code that addresses noncontiguous parcels? If there are 4 parcels and parcel 1 and parcel 3 go in, is there anything that happens on Parcel 2 that connects the other 2? Do we do temporary aprons? Or does the Board have the right to vet that out per case?

(Schryer) I feel it needs to be vetted out per case. In one place there may be two accesses. Another case may only have access across the front. Some may not have enough room.

(Wyss) There wasn't anything in the examples I pulled. ) I don't think there is precedent anywhere that would compel a property on the other side of a property. The only way to do that is to have Planning Commission make a ruling on the entire development area.

A Planning Commission 'master' plan is alluded to in my Dunkin Donuts review for tonight.

In the existing code, you can require it but there is nothing to compel it on adjacent properties.

Per consultation with the Law Director, I think it would have to be made into law so that a ruling on the Bishop Road area is binding on all the property owners.

(DiFranco) I am not aware of any way to require an adjacent to provide an easement prior to their development plan.

(Smith) If property 1 and 3 go in- and there are no aprons or curb cuts off the street- and they are going to use an off-street access connection , do we put in a temporary curb cut on the road. If so, who pays for the installation and for the removal of the temporary curb cut? Is the cost assigned to the developer? Would that make one parcel more attractive than another?

(Wyss) If the bridal shop went in on the parcel 2 away from Dunkin Donuts, they would need to be granted a temporary curb cut. Dunkin Donuts will need a temporary curb cut.

(DiFranco) At the cost of the particular property owner.

(Smith) That will affect the value of those parcels. In my research, I could not find it anywhere. So, maybe we deal with it on a case-by-case basis.

(Schryer) There has never been two pieces of property alike in this city. They each have their own 'personality' and difficulties.

(Roszczyk) Even if there was a front or rear cross-access, properties facing Bishop will still want their own curb cut so that traffic from the right hand lane could get in.

(Zawatski) I thought there would be two entrances and all the access would be behind or in front or both. If owner 2 and owner 4 were going in and we had curb cuts, could we just cut the whole thing from one end to the other?

(Smith) We could, but we do not have access to the other properties. We have four different owners. Temporary curb cuts are necessary because we cannot cut through the middle property because we do not own it. In the future, it [curb cut] might go away.

(Zawatski) Wouldn't it be advantageous to the present owners if we told them what we want to do and have them allow us to do curb cuts? In the long run, it would enhance the value of the property.

(Smith) We cannot dictate to another owner what to do with his property.

(Schryer) The City would not take the responsibility of doing them. They would have to do it themselves. It could be a joint venture between owners. The City would not be paying for it.

(Smith) I wish we had a big white board here so we could draw this out.

(Schryer) We could locate one for next time.

(Wyss) With regard to Dunkin Donuts development, this was the best I could come up with to try to compel the corner property to allow ingress/egress.

For the traffic light on Bishop Road to line up across from Bishop Park Apts., the ingress/egress has to go on the one 50-foot parcel which is completely off the Dunkin Donuts property. Access across the back is still under advisement of the Planning Commission. I don't see a reason why that is not something you would want for that whole strip of land to have another road that they could access the development. If we have a rule that adjacent parcels have to provide the connection to the access points, it takes the monetary value of ingress/egress off the table for the adjacent parcels. Dunkin Donuts may want to pay for the pavement now because it will benefit that business project. Their architect agrees.

(Schryer) This is a tool for the future for this property and others.

(Lillich) For this area on Bishop Road, we always hoped that a developer would purchase all those parcels for one development. The depth of the lots makes development difficult. We are having to use a shoehorn to get Dunkin Donuts onto that lot. With the list of variances needed, it feels like we are greasing the shoehorn to get them in. It makes me wonder if this is good planning.

Dunkin Donuts is going in on a lot that has develop-able property on both sides. That limits options in the future. If it were one development, they would have more room. These are things we should be considering for both here and for future areas.

(Wyss) The bridal shop lot is even smaller. To further complicate the Dunkin Donuts consideration, the lot immediately to the south with a house on it wants a wall between the property and Dunkin Donuts. The property is zoned B-2 Commercial. There is nothing in the Code that requires a buffer between two commercial properties.

(Lillich) There should be a master grading plan for all of those properties. We should not have to be matching from one lot to the next to accomplish stormwater management.

(Wyss) This is a tool. If it is not in my notes, we should add it. It gives more options and lessens legal arguments against it. It would enhance compliance.

(Lillich) Let's develop the tool.

(Smith) For these types of developments, do you recommend access in both the front and the rear, or one or the other – or is it site dependent?

(Wyss) How it will work out for the individual sites. The model ordinances state that the adjacent property is not compelled to do it if their building plan showed that it would be in the middle of the building. With the mapping I did on these parcels, they would have parking in the front by Bishop. The existing curb cut on Eddy Road prompted me to consider the access in the rear. With the topography of the corner parcel, that is the only way you could do it. You do not want it too close to the intersection of Eddy and Bishop due to traffic congestion at both rush hours.

(Cihula) The curb cut on Eddy Road was the driveway to the Whittington house before it was torn down. Each of those lots on Bishop Road used to have a house on it with a driveway.

(Wyss) The owner of the house on Eddy says that their curb cut was put in when the widening of the road was done. It would have been a review matter for the engineer at the time.

(Schryer) I will ask the Law Director for a review of this subject for the Planning Commission. I will meet with Mr. Fiebig about how far the Planning and Zoning Committee of Council will take this. A Public Hearing will be needed for all of the things we are talking about. Council will also need a Public Hearing. In the past, we have coordinated the timing of the hearings so we could do one advertisement in the paper.

**MOTION:** John Lillich moved to proceed with development of regulations for Cross Access movement of vehicles across commercial parcels.  
Seconded by Christopher Smith  
Voice Vote: Ayes Unanimous  
**Motion Passes 5/0**

## **2.) Discussion of other Zoning Code issues**

### **Mailboxes**

(Schryer) This proposed zoning code change would update Code regarding mailboxes in the City. It was sent to Council. Because it is a minor change, it has been waiting until a time when a Hearing would be scheduled. Part of the language is being updated. When originally written Vicki (Council Clerk) was doing the things listed. Now, the Building Commissioner does what Vicki used to do. Letters on the houses should be 4 inches high.

(Wyss) The only reference is in the International Property Maintenance Code. It states, "Address numbers shall be Arabic numbers and alphabet letters. Numbers shall be a minimum of 4-inches in height with a minimum stroke of 5-inches." There is no reference to that in the Willoughby Hills Code.

(Schryer) It is a safety issue. The fire and police departments need to be able to see the numbers on your house. Installing the numbers is the responsibility of the home owner. It is important that we put this in our code for safety reasons. Read over the material and write your comments. We will discuss it at another time.

### **Zoning Map**

The Economic Development Director asked to have some things updated. The zoning map in the your folder has been updated from the 2006 Zoning map. Updates on this map were done by cut and paste.

- **Overlay District:** The Building Commissioner located information about an Overlay District Ordinance. We are discussing doing an Overlay District. The Overlay District Ordinance from Lakewood is in the folder as a sample. Read it over so we can discuss it at future meeting.
- **Table 5 Summary of acres:** from the 2012 Master Plan has been updated but it may need further updating. We got the information on the parcels and acreage from the Building Commissioner. Those figures were used for the calculations. Totals on this table look different because they are the actual totals, not rounded up or down as they had been in 2012 and 2003.
- **Zoning Changes:** The updated map shows areas where Zoning had been changed.
  - **Commercial:**
    - The old Sears Hardware property went from B-2 to B-3. The car dealership on Chardon Road near Bishop went from B-2 to B-3. Those areas are noted with red lines on the map.
    - ‘Acres Vacant’ did not change because all the land that changed was not vacant.
    - There are a few more areas that need to be factored in. We did as much as we could.
    - The 18 acres in B-2 will change. Dunkin Donuts and the bridal shop will go in.
    - Property changed in the E-District.
  - **Industrial:** The Economic Development Director was discussing the fact that half of it is undevelop-able because it is owned by the airport. Changes were made on the chart and on the map using GIS information and Excel calculations. The map shows the part owned by Cuyahoga County that is in the WH industrial section. The map also shows the 13.55 acres in the Industrial District that could still be developed. There are two 2 parcels down in the corner that cannot be seen very well because of the blue lines.

(Lillich) Should the Clear Zone that was purchased by the airport be designated on the map as a ‘clear zone’? It is now a golf course but it is still in single family Residential. If you were looking at the map, it would look like the homes back up to an airport runway.

(Schryer) On this update map it is designated as “airport”. There were only three piece of property. It could be corrected on a future map. An engineer will have the access to officially update the map.

(Rosczyk) The Clover development will change totals in a couple categories in B-District. In the Industrial District, Swagelok owns a parcel adjacent to Cuyahoga County, perhaps the second as well. The other two middle parcels are also owned by Cuyahoga County.

(Schryer) We have the GIS information for that section. Let’s discuss it later and refine it as needed.

(Wyss) There are additional changes which will need to be included. Many subdivisions have occurred since the map was made - the Sayle farm subdivision, the Wolfe farm subdivision on Rockefeller Rd, Capelli-O’Brien on Chardon Road.

(Schryer) Make a list of what needs to be included. We want to keep the map updated and current so we know where everything is.

### **Public Portion opened at 6:43 PM**

Frank Cihula, 35060 Dixon Road

On the Zoning map passed out, the area for Sears Hardware and Dunkin Donuts is shown as changed from B-2 to B-3. It was zoned B-2 in 2006 by the voters. I am not aware of any change since then.

(Wyss) There was a Court order on the lawsuit that just came in.

(Schryer) If you have any other questions about the map, we can meet later on that.

I like the conclusions reached by John Lillich about Dunkin Donuts. I feel that we should give it serious thought without rushing into anything.

**Public Portion closed at 6:44 PM**

**Other Zoning Code issues:** There was no further discussion of the following items which had been discussed at the 2/6/14 PCABR meeting.

- B-1 Limited Commercial District
- B-3 High Density Mixed Use – Commercial District
- Section 1139.02(e) Permitted Uses
- Section 1133.04 Setback Requirements
- Section 1153.07 Location of Required Parking Spaces
- Section 1153.11 Regulations for Access Drives
- Addendum for R-1 District for Agricultural
- Section 1133.11(c)(6) Fence Ordinance – Materials and Construction
- B-3 Step-down

**Zoning Code Work Session adjourned at 6:44 P.M.**



**ARCHITECTURAL BOARD OF REVIEW**

Public Portion opened at 7:03 P.M.

No public input.

Public Portion closed at 7:03 P.M.

No Pending Business

**Councilman Fiebig arrived at 7:03 P.M.**

**PLANNING COMMISSION**

(Schryer) We will have Public Portion after we have heard about the project.

1. R.R. Bhavani

**2801 Bishop Road – Preliminary Review – 31-A-008-D-00-026-0**

**Plans stamped received by Building Department 12-13-13**

Plans reviewed by Building Department 2-14-14

Present: Heidi Demark and Stephanie Gula, both with Phillip Sekanick Architects. Bhavesh Patel (Niyati Enterprises)

**Owner/Representative Comments:**

- Map display is an enlargement of the plan in the packets.
- At the Work Session in June we proposed a Dunkin Donuts
- The site is quite narrow which pose issues brought up in the work session.
- There is a road that comes in but does not quite line up with our property.
- We did a Traffic Study as requested. An Engineer's Review has been done. We have submitted the Study, Review and plans.
- The Planning Commission had spoken about cross access at two locations.
- At this point we need to discuss the narrowness of the lot, issues affecting planning and concessions needs to make the lot work.

(Schryer) Is there a color rendering of the actual building?

- We have a color rendering of some of the issues we did address. We do not have a rendering of the actual colors of the building. [Architectural Site Plan and Details distributed to the Board].
- The Site Plan prepared by their engineer and the Architectural plan (also in packets) were available for demonstration purposes.

**City Engineer's Comments (DiFranco):**

All 17 points of the Engineer's memo dated December 17, 2013 were highlighted.

1.) & 2.) The Lighting plan and Landscape plan were just received but no time to review. It may change, based on tonight's discussion.

3.) Once you get approval, a complete set of site development drawings will be needed.

4.) The plan does not appear to conform to the 60% maximum allowable lot coverage by buildings and pavement and the minimum open space requirement of 20%. The number of parking spaces appears to exceed the required. A variance to Section 1137.03 is required.

5.) The drive-thru window located at the northwest corner of the building encroaches upon the 25-foot side yard setback. A variance to Section 1137.04 is required.

6.) The minimum parking setback for side yards is 10 feet for the B-2 Zoning Districts (1137.04). The plan shows the parking lot area to be 1.5 feet from the side yard lot line, which encroaches the sideyard setback. A variance to Section 1137.04 is required.

- 7.) The minimum parking setback for front yards (from street right-of-way) is 30 feet for the B-2 Zoning Districts. The plan incorrectly shows 20 feet front yard setback. Therefore, a variance to 1137.04 is required.
- 8.) The Applicant shall demonstrate that section 1153.08 “Off-Street Waiting Space for Drive-Thru Facilities” criteria are being met. That code requires 6 waiting spaces per drive-thru window as measured from the order board or station. The plan shall show the stacking ability of customer vehicles in cue for the proposed drive-thru for the facility. Please show the cars in a light line weight on the Layout/Utility Plan.
- 9.) The applicant shall demonstrate truck accessibility within the site per Section 1153.12.
- 10.) Angled parking spaces are shown with a length of 18 feet which does not conform to the minimum 20-foot per Section 1153.10. In addition, minimum parking aisle width of 18 feet is not provided when the drive-thru stacking lane is considered. Applicant shall indicate angle of parking. Is it 45 degrees or 60 degrees? A variance to Section 1153.10 is required.
- 11.) All paved areas shall be defined with continuous concrete curbs, per Section 1153.13(d). The plan currently shows several areas of proposed asphalt curbs.
- 12.) Please indicate replacement of concrete sidewalk within the right-of-way at the proposed drive apron.
- 13.) The proposed underground storm water detention system consists of an over-sized storm sewer capable of storing the required critical storm event (10 year storm event) while maintaining the 25, 50 and 100-year storm event post-flows with the pre-flows. The 30-inch diameter detention pipes shall have a minimum slope of 0.058%, rather than 0.00%, in accordance with Uniform Standards. The invert elevation of the existing 27-inch diameter storm sewer in Bishop Road shall be confirmed and added to the plans. A new manhole shall be installed in Bishop Road for the new storm sewer connection.
- 14.) Storm water Pollution Prevention Plans (SWP3) shall be approved by the Lake County Soil & Water Conservation District (LCSWCD) prior to a building permit being issued.
- 15.) Clean-outs or manholes shall be on the sanitary sewer lateral at all change of directions to facilitate future maintenance and inspection.
- 16.) The drive-thru facility is classified as a conditional use per Section 1147.06 therefore requiring a minimum lot size of one acre and minimum lot width of 125 feet, both do not comply. A Conditional Use Certificate is required per Section 1115.
- 17.) As follow-up to the Work Session held for this project on 6/6/13, a Traffic Impact Study dated 9/3/2013 was prepared and submitted for review. The study recommended several improvements to facilitate a full movement access drive without lowering the level of service on Bishop Road, such as a new left turn lane in Bishop Road, signal improvements, and/or cross-access easements (see attached email dated 9/12/13). Due to the complexity and/or cost associated with these recommendations, the applicant decided to proceed with a limited right-in/right out only access drive.

### **Board Comments**

(Fiebig) Did you mention the ‘parking spaces 21 exceeding the number required by 8’ because we have an ability to work with that? (DiFranco) *Correct. They are not meeting the ‘green space’ requirement so removing some parking spaces may help that. When you mentioned that the plan incorrectly shows a 20-foot front [setback], did you mean that the plan was incorrect or that it was incorrect and it should be 30’? It should be shown as 30’ on the plan. They are showing at 20’. Is it 30’, or is it 20’ but not conforming? Where it says 20-foot front parking setback, it should be 30’.*

(Demark) We have not addressed all the issues, knowing that we would discuss them tonight and come to a resolution here. We will need variances due to the width and depth of the lot. We could have six stacking cars but it will put the speaker closer to the back and will put stacking around the curve. Also, due to the nature of this business, the fifth car works out best.

(DiFranco) As shown, there are only 3 stacking spaces shown. The Code says that the count for 6 stacked cars starts at the speaker. It will be nearly impossible because you need 18 feet between the parking spaces.

(Smith) Are you concerned that there would be only 9 feet for someone to get by if anyone is parked in the angled spaces? Backing out would be very difficult. *(Demark) The majority use the drive thru. Would it help to take the minimum parking which is 8 spaces? That would give more space in the back. (Demark) All the possible parking spaces were shown to demonstrate the possibility. We could diminish the number. The cross access shown on the new plan diminishes the parking number closer to the required number. Decreasing the parking would increase green space.*

(Schryer) Question for Fred, aren't all of these items helped by Section 1115 or do they need to go for variances?

(Wyss) Certain items are more compelling. The Board is able to waive Code requirements with Section 1115. With the forethought of cross access, there is also the possibility of shared parking in the future. Code allows side setbacks to be waived if there is shared parking with adjacent parcels. At this time, they are still undeveloped. The setback could be waived with the expectation of shared parking being a requirement for those parcels in the future. Cross access would be part of future planning for the whole development. In my review, I noted that there is a window and a canopy which is part of setback issues. The canopy is closer to the setback. It is the Board's decision about the extent to which Section 1115 can be used.

(Lillich) What time of the day are the deliveries usually made? *(Patel) Usually before 4:00 PM*

So you are using parking spaces to have enough access for a truck that large to make deliveries?

*(Demark) Yes, we do that in several of our other locations. The majority of our clients use drive-thru; others are in and out quickly. So that does not pose a problem. No*

Which cross access works best for Dunkin Donuts, the front or the back? *Initially, the back would be more beneficial initially. It would allow access off Eddy Road for delivery trucks using a hand truck. Either one would be to our benefit. Access in the front with a traffic light would allow traffic flow.*

(DiFranco) It does not look like a truck could make the right turn in off Bishop. *At left turn in will be necessary. The concrete would be 'feathered' island that could be driven on, rather than a fully curbed landscaped island. A public sidewalk crosses through the island. You will need ADA curb ramps. Could it be tapered at the sidewalk as well? You would have to have enough room.*

Also, grading is a big concern. There is only a 1 ½ feet setback for grading between the curb and the property line. Some areas of the new parking lot are 1-foot above the adjacent grade. You will need a drainage structure to intercept it. Blocking the drainage pattern is not allowed. Light poles will also have a foundation of about 1 ½ feet. The 1 ½ foot setback bothers me.

### **Public Portion opened at 7:27 P.M.**

Shelly Slavic-March, address not given

My mother's house is the back house on Eddy Road [*possibly Nancy T. Slapnick, 28762 Eddy Road*]. It is the first house that lets up to the property that comes off Bishop. We are concerned about the back access road. Eddy Road is too narrow to allow truck ingress or egress. We are concerned about noise. Something needs to be done.

Ray Somich, 2941 Legend Lane, Councilman for that District

We welcome the new owner of the property. We are happy for development in our City. Dunkin Donuts is a great establishment. Compromises will be necessary as we look at every aspect of this narrow property. I think a front access road is preferable because we do have residents in the rear.

Your map shows access in the front and the rear. If you did not have to allow for rear access, perhaps that would allow for turning and stacking to the deeper part of the property. The Board needs to decide whether front or back access will be allowed. All of the adjacent properties are affected by this decision. Forcing the other properties to leave front and rear access put an additional burden on their planning. Residents have expressed concern about sound, noise, lights and traffic. I urge front access and volunteer to speak with the property owners to help with this process.

**Public Portion closed at 7:30 P.M.**

(Schryer) With all the questions that need to be addressed, is it possible for you to re-do this drawing? *Absolutely*. Please include what has been discussed and a color rendering of the actual building.

We do comment on the architectural renderings during Preliminary Review. The properties to south by the old Sears Hardware would not necessarily be able to have access to the back. Dunkin Donuts might like the rear access, but you might have more room with access in the front. Using cross over parking is becoming more prevalent in planning.

(Lillich) If we do that, grading between parcels is even more important. Cross access parking would be difficult with a 1-foot drop.

*(Demark) If we know we can make changes with our engineer to make a solution. We are anxious and willing to work with you. The comments have been excellent. If we could choose one or the other access ways, it would help us address the other issues that we have with the site.*

(Schryer) Getting the drainage figured out is extremely important. Sidewalks should be on the drawing. Everything should be on the drawing for Preliminary Review.

(Fiebig) The City needs to meet and discuss how to address the cross access easement question.

Having a stoplight would be important. Having right-in only will cut out have the business traffic.

The front access seems most important. The rear access would be nice to have.

(Lillich) Front access ways would be more obvious to the public. The rear access would have to be learned.

(Fiebig) The neighbors on Eddy Road do not even want a one-lane rear access. There would be a temptation for a large truck to pull in. What type of delivery vehicles should we plan for? *We have both a large truck and a box truck. If there was the access with the traffic light with the adjacent property, it would truly allow a truck to get in.* Have you spoken with the property owner to the north about the access? *No, we have not had a formal discussion with him. We will.*

(Wyss) We have the benefit of having the developer present tonight. Perhaps he could comment on any negotiations he has had with the corner property owner? If the city were to compel neighboring properties to provide cross access, would that assist in negotiations with that property owner? Would you be willing to put in the pavement if the easements were secured? *(Patel) I would definitely put in the pavement for the access if the City had an agreement for the easement.*

For benefit of the Planning commission and the homeowner who are here, the Code provides for a maximum of 20-foot buffer to the parking spaces. That would be an access road, parking spaces, etc.

The plan is showing 10-feet. When a cross access goes into a landscape buffer, the landscaping remains but needs to be doubled up into the smaller area. The cross access could be moved closer to Bishop Road and still facilitate that. The one comment that would require a variance is the front setback with an access road in the front. That is already provided for in the Code where that access can go in lieu of the setback. The new plans prepared by the applicant will show the access roads and parking with enough distance as required by Code.

(Schryer) We need to postpone this review for future update.

(Demark) Will you need an additional submittal?

(Schryer) All the drawings need to be updated. There are so many items that need to be included.

(Demark) I think ODOT only allows a curb cut in certain distance. We will maximize that if we haven't already.

(Schryer) You will have to show how to get the truck in and out of the property.

(Demark) Eliminating the island would remove the deterrent for traffic coming in from the left.

(Wyss) They did provide copies of the Architectural. Plans are on the last two sheets on A5 & A6. It is a corporate prototype building.

(Smith) Which of the color scheme options do you plan?

(Demark) The scheme listing is for the interior finish. The Exterior color scheme is more set. I will prepare color renderings for the exterior. They are typical Dunkin Donut colors: warm browns, grays with accents of orange.

(Smith) On the plans, you have listed colors 'if permitted by the Board'. On the color rendering, do your first choice.

Wyss) We ask that you include the sign dimensions. You will also need to distinguish what is wall art and what is signage in your presentation.

(Schryer) The updated site plan should be reviewed by the Fire Chief and Police Chief.

(Wyss) Fire Chief did a brief review. He said he has no problem with the current plan as far as access. He will do a final official review.

(Lillich) We are trying to make this process go smoothly. We need to consider all of the issues.

(Demark) We know we are the first to go in as part of a larger development and it always takes time.

**MOTION:** John Lillich moved to postpone review of the site plan and architecture for Dunkin Donuts at 2801 Bishop Road until the applicant is ready to proceed.  
Seconded by Joseph Zawatski  
Voice Vote: Ayes Unanimous  
**Motion Passes 6/0**

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

None

### **MAYOR'S REPORT**

None

### **COUNCIL REPRESENTATIVE'S REPORT**

Pancake Breakfasts start on Sunday, March 2<sup>nd</sup>. They continue on March 9<sup>th</sup> and March 16<sup>th</sup>. There is a Gallery Opening on Friday, March 7, 2014.

### **BUILDING COMMISSIONER'S REPORT**

American Heritage Motorcycles who run Victory Motorcycle Dealerships and Polaris successfully sued the City with a lawsuit to make the Sears building and its grounds accessible to motor vehicle sales. That changed the zoning from B-2 to B-3 for their purposes. It is still a conditional use. Review by the Board will require two meetings. They want to move forward as quickly as possible. Soonest they can be heard is March 20<sup>th</sup>, because of the 14-day notice requirement. They will do minor alterations to the building. No site changes will be necessary, unless we pass a cross access ordinance. If that is passed, they will be required to put 'stubs' to the neighboring properties. In this situation,

cross access between the Sears building and McDonald's would be difficult because of grading. In other examples in the Code, if it is more than 15% incline, it is not required. Cross access in the front would be possible. The major grading issue is the retaining wall for the Sears parking lot.

Grading between the other adjacent commercial properties in that area is fairly flat except for by the residential property next to the Dunkin Donuts. The piecemeal development of individually owned lots is the problem.

**CHAIRMAN'S REPORT**

There will be another Zoning Review meeting at 6:00 PM before our next (PCABR) meeting on March 6, 2014. However, if there is no pending business for our meeting, we will conduct the zoning review during the regular meeting at 7:00 PM.

Mr. Fiebig and I will meet to arrange meetings of the PCABR and of the Planning and Zoning Committee of Council. Mr. Fiebig asked what Council could do to expedite the process. What is the next step in the process? A Committee meeting of Council could be held prior to the Council meeting on Thursday, February 27<sup>th</sup>.

We need the review on the ordinance from the Law Director before next meeting(s). The City Engineer has been asked to review the sample ordinance for additions, corrections or wording changes. If we all agree, then PCABR needs to have a Hearing. That requires 14-day notice. PCABR sends a letter to Council with results of the Hearing. Then Council has a meeting and a Hearing. Their meeting required 14-day notice.

If all three properties would be happy with front cross access, that is how we could proceed. Mr. Davis asked if front access offers as many advantages as back cross access. Is front access enough? Back access would reduce traffic impact on Bishop Road especially during peak hours. There was additional discussion about curb cuts, pros and cons of cross access in the front and in the back of the properties, traffic, safety and the challenges of developing the narrow lot. Mr. Wyss reminded the Board that anyone who develops the corner property is only required to provide a maximum 20-foot buffer. That would be the minimum setback. The code allows access roads to go through buffer zones.

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

**Adjourned at 8:05 P.M.**

Katherine Lloyd  
Clerk

Charlotte Schryer  
Chairman

Date Approved 3/6/2014