

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

March 20, 2014

CALL TO ORDER 7:01 P.M

PRESENT: Chairman Charlotte Schryer, Vice Chairman John Lillich, Council Representative John Plecnik, John Davis and Joseph Zawatski

ABSENT: Mayor Robert Weger and Christopher Smith

ALSO PRESENT: Commissioner Fred Wyss, City Engineer Pietro DiFranco, BZA Representative Frank Cihula, Economic Development Steve Roszczyk and Clerk Katherine Lloyd

MOTION: John Lillich moved to excuse the absence of Mayor Weger and Christopher Smith for tonight's meeting.
Seconded by John Davis
Voice Vote: Ayes Unanimous
Motion Passes 5/0

Councilman John Plecnik was present in place of Council Representative David Fiebig.

Correspondence:

- Hearing Notice and Letter dated March 3, 2014 sent to Property Owners within 500 feet of 2821 Bishop Road, Willoughby Hills, Ohio RE: Conditional Use Hearing.
- Hearing Notice dated March 3, 2014 sent to the News Herald for publication on March 5, 2014 RE: Proposed Changes to the Zoning Code and Proposed Changes to the Building Code.
- Memo dated March 12, 2014 from Daniel J. Collins, Assistant City Engineer RE: Lot Split Survey dated February 28, 2014.
- Email dated March 17, 2014 from Building Commissioner Wyss RE: Electric Fences

We need to amend the Agenda. There is an addition under Planning Commission. Item #1 will be changed to read, "Conditional Use Hearing & Preliminary Plan Review". 'Preliminary Review' is being added.

MOTION: John Lillich moved to amend the tonight's Agenda and to add 'Preliminary Review' for Bishop Willoughby Company, LTD under Planning Commission after Public Portion to read, "Conditional Use Hearing & Preliminary Plan Review".
Seconded by John Davis
Voice Vote: Ayes Unanimous
Motion Passes 5/0

There are two Hearings tonight. Each Hearing will be heard separately. Public Hearing Notice for each was placed in the newspaper and published 14 days before tonight's meeting. During Public Portion, we ask that each person give their name and address when coming up to speak at the microphone.

PUBLIC HEARING for A.H. Motors

1. Bishop Willoughby Company, LTD
Contractor: American Heritage Motorcycles, LLC
2821 Bishop Rd – Conditional Use Hearing – PPN: 31-A-008-D-00-032-0
Application received by Building Department 2-28-14
Plans stamped received in Building Department 3/11/14
Plans reviewed by Building Department 3/11/14

Public Hearing Public Portion for A.H Motors opened at 7:08 PM

After this Public Portion, when we are in Planning Commission, we will start reviewing the Conditional Use and reviewing the Preliminary Plan and vote on both of those. The Hearing portion is when the public has opportunity to ask questions. We will write as many questions as we can so we can answer as many questions as possible during this process.

Dalia Puskorius, 130 Steeplechase

I am on the Board of the Condominium Association for Steeplechase. I am here to express my concern and the concerns of most of the residents of the 44 units right in the back of the [old Sears] building. People are very concerned about noise, possible pollution and decrease in values of their property. Some may decide to move. Our biggest concern is that motorcycles are very loud.

Frank Cihula, 35060 Dixon Road

I hope that in the Conditional Use permitting process, limits will be placed on where they are permitted to operate the motorcycles, especially because there is a residential area behind them.

Mary Kostancic, 271 Steeplechase

We were wondering if they are amenable to some kind of noise barrier, even trees, to help us. Some people are so close they can practically touch the building.

Linda Fulton, 2990 Marcum

It was my understanding when you were working on the Master Code several years ago, that one of the purposes was to make our codes up to date and that, if we were brought to court, our rules would stand up in court. How did this [property] get changed from B-2 to B-3 in court? Why did it not stand up in court?

Schryer) I think it had to do with the fact that the other car dealership on the property kitty-corner across the street went to B-3. What happens on one side happens on the other side. I was not in court so I can't really say what happened.

Mary Kostansek, 271 Steeplechase

When you are talking about businesses on the other side of the street, there are no residences on that side. It is all businesses. This is right in front of a community of residences, a whole line of residences. That is a big difference.

(Schryer) I will clarify that. There is a car dealership up against residential on the south side of Chardon Road. They went to B-3.

That's fine but this side should not have gone to B-3.

Frank Cihula, 35060 Dixon Road

As a point of clarification regarding the Volkswagen dealership, they stated in their filing and their law suit that they were not adjacent to residential. That is what went to the court in that case. It is not true but that is what they said.

Public Hearing Public Portion for A.H Motors closed at 7:16 PM

PUBLIC HEARING for Zoning Code Update and Changes

- 1.) A Proposed Change to the Planning and Zoning Code, Chapter 1153.11 – Regulation for Access Drives, Proposed New Subsection (e)
- 2.) A Proposed Change to the Planning and Zoning Code, Chapter 1133.04 – Setback Requirements
- 3.) A Proposed Change to the Willoughby Hills Building Code, Chapter 1345 – Building Numbering

Public Portion for Zoning Changes opened at 7:16 PM

No Public Portion participation.

Public Portion for Zoning Changes closed at 7:16 PM

Disposition of Minutes

Meeting of March 6, 2014

MOTION: John Lillich moved to accept the Minutes of March 6, 2014 as presented.
Seconded by John Davis
Voice Vote: 3 Ayes and 2 Abstentions (Zawatski, Plecnik)
Motion Passes 5/0

ARCHITECTURAL BOARD OF REVIEW

No Pending Business

PLANNING COMMISSION

(Schryer) Since we just had a Public Portion, we will hear the American Heritage presentation first. Then we will vote on what is needed for Conditional Use and on Preliminary Review. For the Board's information, if this had not been a Conditional Use, they would not have even had come for review because there are not enough changes to the building itself. All the changes are internal. According to Code, they have to do a Preliminary Plan and a Final Plan Review

Drawings and pictures of the building and the signage are on the table for the people in the audience to pass around and review.

1. Bishop Willoughby Company, LTD
Contractor: American Heritage Motorcycles, LLC
2821 Bishop Rd – Conditional Use Hearing & Preliminary Review –
PPN: 31-A-008-D-00-032-0
Application received by Building Department 2-28-14
Plans stamped received in Building Department 3/11/14
Plans reviewed by Building Department 3/11/14

Present: Jeff Sinclair, dealer principle for American Heritage Motorcycles

Owner/Representative Comments:

- This is a new business started in 2013 by a group of investors. We plan 15 stores around the Midwest to sell Polaris brands of motorcycles which are Indian Motorcycles and Victory Motorcycles. They are high-end, recreational vehicles.
- I am from Cleveland, have been a consultant for Polaris Motorcycles during my career and am passionate about the products. I am a retired engineer, a businessman and a long-time rider.

- The Indian product is a rejuvenation of a brand created in 1901. It is a capitalized company that is committed to rebuilding the quality of the brand. They also have the Victory brand.
- Our stores are traditional dealerships. We look to locate in areas where there are car and other motorcycle dealerships. Our first store is open in Chicago. We plan two stores in the Cleveland area, one on the eastside and the other one on the west side.
- This is a niche product and business, rather than a volume product. Typical number sold every year will be in the range of 120 new motorcycles and more that are used.
- They are not silent. The sound fits in the range between electric (silent) and Harley Davidsons.
- They have well engineered motors. Customers come in for service and leave.
- Our motorcycles are not usually the ones seen in large groups.
- We want to be good town citizens. We are in this for the long haul.
- Hours of operation are 10 AM to 6 PM. In the summer, we would like to be open until 8 PM for 1-2 nights a week. That is similar to the hours of a car dealership. We would also like to have occasional specials and promotional events.
- The service entrance will be on the side of the building where the garden center was, not in the back. There will be no need to ride in the rear of the building. That will help with the condominium that has a window facing the building.
- Customers will use the front entrance. Typical traffic in the store at any time is 5-15 people. It is a steady flow, low volume business.
- We will address noise concerns. I gave my card to ladies in the audience so they can contact me personally if there are any concerns. I will be running the stores.
- With regard to pollution, we are subject to regulations for oil and things like that...like a car dealership, but lower volume.

City Engineer's Comments (DiFranco):

- I have not reviewed the plans because I just received them tonight.
- Although the footprint of the building is not changing, the inside use is changing. Adding the service component will be a more intense use of the sanitary sewers. A sanitary sewer tap-in fee will likely be associated with that.
- Landscaping should be reviewed to see if anything needs to be added. It needs to be up to Code for a development plan. That goes along with concerns of the residence regarding a sound barrier.

(Sinclair) We would like to upgrade the landscaping. We will work with City. If a row of trees behind the building would help, we will do it. We will not be using the loading dock in the rear. There will not be trucks going around the back. Because of the way the building is, you can't get a truck with a trailer in the rear. We will take delivery on the side and the motorcycles will be taken inside.

(Schryer) Landscaping plans are required for Preliminary and Final Review. You do have the full buffer along the back to work with. Many of the businesses do not.

Building Commissioner's Comments: (Wyss)

- There are Conditions of Use already in the Code. These were read for benefit of the applicant and the Board. The only reason that this is Conditional Use is that the Business Code includes 'scooters'. It would likely apply to motorcycle sales and service as well.
- Section 1147.08 (b) Automotive Related
 - (1) (a) Service Garage, Leasing Department and other activities customarily incidental to the full service franchise automobile dealer [substitute: motorcycle dealer] shall be permitted accessory to the sales of autos provided these activities are conducted in a wholly enclosed building. Only repair of vehicle customarily associated with the permitted vehicle sales shall be permitted and shall be conducted entirely inside a suitable building.

No junk, inoperative or unlicensed vehicle will be permitted to remain outside on the property for more than 48 hours.

- Sections (2), (3), (4) and (5) are not applicable to this use.
 - (6) Automobile Service Station and Vehicle Repair Garage applies. All repairs have to be done inside the building.
 - (7) Applies if a body shop with repairs for body work or accident repair is planned. No inoperative motor vehicles, equipment or parts shall be permitted to remain outside on the property.
- Because of the layout of the building and the use of the side door for the service entry, the Board could request that the testing of motorcycles after delivery or repair be conducted on the public motorways and not circling the property or rear of building.
 - The court order says there cannot be any unreasonable conditions. In this case, the use is more intense than intended for that area originally. It would not be unreasonable to prohibit testing of motorcycles in the rear of the building.
 - Years ago, the BZA did a wonderful job planning the site of the Sears building. There is a 30-foot landscape buffer before you get to the parking area in the back of the building. The building is already compliant as a B-3 development next to an R-1 development. The owner does not plan changes to the outside of the building and has suggested he would upgrade the landscaping. I defer to the City Engineer on the review for more intense use. I will work with their architects.

(Sinclair) We would like to be able to display motorcycles in front of the building during the day while we are open. They would be taken inside at night. Under the conditions he read, can we have product outside? These are products we own with title but they would not be licensed. (Wyss) *It would be an unlicensed vehicle within a 48-hour period but you would not be servicing them outside or leaving parts and equipment around. I give you a 100% guarantee that we will be servicing the products inside.*

Board Comments

Mr. Davis) I am concerned about noise. The service area entrance is toward the front of the building on the south side. *That is correct.* The noise of servicing and running of engines would be contained there? *That is correct.* Would a pre-owned vehicle go out the front door? *All product that is bought and sold, including the pre-owned and service vehicles go in and out of the service entrance that is on the south side by McDonald's. That entrance used to be the garden center of the Sears store.* Can you keep the door closed during summer hours to restrict noise to inside the building? *We prefer to keep the door closed to keep the noise and activities of the service area contained.* Will the interior wall be sound-proofed so people in other parts of the building can hear each other talk? *That is a great question. I will check with the architects to see what their plans are. We would not want noise going into the show room.* Sound baffling would help in preventing noise from coming out into the neighborhood. *I will ask them to include isolating the noise from the service shop in their plans.*

Test rides or testing of vehicles should not be on residential streets, especially the adjacent streets.

We would like to establish planned routes for demonstrations with staff member riding another bike.

We want our customers to test drive the product but we do not want to disrupt the neighbors.

(Lillich) We need to know more about the mechanicals for the building. We are interested in your plans for handling of the air flow, air handling, air quality and fumes generated by running motors inside the building. If possible, try to keep all the mechanicals contained in the building. *There is an existing mechanical room in rear. The engines are not run very long inside the building. Most of the service is accessorizing, oil changes and tire changes. During sales, the motors are not run inside the store. We take them for test drives. Regarding engineering requirements, we will do what we need to do regarding air quality inside the building. The engineers and architects are working in the details.*

(Plecnik) Exactly how noisy are these motorcycles in comparison with an electric motor (no sound) and a BMW motorcycle (sewing machine hum)? *It is in between the BMW and a Harley. They are not sport bikes. They are 4-cycle v-twin, cruising motorcycles. The Indian has a 1.8 liter engine and a 1.6 liter on the Victory. You can hear the sound online on YouTube.*

(Wyss) These are rough preliminary plans. The fire chief has reviewed them. Additional changes are planned. Some offices will have lowered ceilings. There will be a full re-do of the sprinklers. The old Sears garden center is open to the outside. They plan to completely enclose that area with brick. The final plans will have better details.

(Sinclair) We would like to do this in two phases. First, we would like to get up and running. Then as business grows, we would like to enclose the garden center in Phase II. The service area will be inside the existing inside wall. The two service bays will be inside. The garden center is intended for future storage, possibly winter storage of motorcycles. It is currently open to the elements but is walled-in with masonry and steel beams. People cannot see it. No service will be done in the garden center area. It is not heated or air conditioned. For Phase I, we would like to leave the garden center as is. If required, we will enclose it immediately but we would prefer to do it in two phases.

(Schryer) The 'Service' label on the garden center on the plans is confusing. The service bay(s) is where you will need to show plans for oil and drainage. Pictures of the outside do not show the details of the garden center.

(Wyss) For architectural review, the garden center is existing in its present condition. How many full time employees will you have when you open?

We will start with 6-8. As business grows, it will probably peak out 12-15. We could end up with 15-20 employees.

(Schryer) From the Engineer's viewpoint, should we put off doing Preliminary? I am concerned that the plans for the oil drainage and plans for the service area have not been reviewed.

(DiFranco) The Landscape Plan has not been received or reviewed. Is Preliminary approval critical to the applicant's schedule?

(Sinclair) We would like to know that spending money on engineering and architectural work will not be wasted. I have heard good ideas tonight that will relay to architect. We deal with the drainage issue in all stores. We will comply with Code requirements.

Public Portion for American Heritage Motorcycles, LLC opened at 7:53 PM

Frank Cihula, 35060 Dixon Road

(DiFranco) Have you executed a purchase agreement with Bishop Willoughby? *We are currently renting the building. We are ready to sign a 10-year lease pending this evening's meeting. The BZA worked hard to get the landscaped area. What are your plans for the grass area on north side of building before the parking lot? We will leave it there.*

(Schryer) He is asking if you will include the grass area and bare spots in your landscaping plan.

(DiFranco) The landscape code is very specific about the number of trees and bushes and their types. *We will comply with the Code. We want the site to look very nice. We want our customers to see a nice space.*

(Cihula) When the building was originally built, the property was zoned residential. It went in with a use variance. It has since been rezoned to B-2 and now to B-3. My concern was that the grass area might be used as a dirt track. *Absolutely not. These are on-road motorcycles that will be used on the street.*

Patricia O'Hanlon, 520 Derby Run

My master bedroom is right behind you with only a few trees and a space of grass. I am mainly concerned about noise for myself and the other condominiums in that area. We have had experience

with motorcycles coming through our community. They nearly shook us out of our homes. We have a lovely neighborhood and we want to keep its peace and tranquility. Multiplying the noise coming in will destroy the property values affect future sales. The plan does sound good but I am a skeptic. I am very worried and need more convincing. What time does your facility close? *(Sinclair) I can't tell you that they do not make noise. I can tell you that we do not have huge numbers Our hours are 10-6. In the summer, we would like to stay open until 8:00 PM a couple of nights per week. That will destroy the peace and tranquility. That is not happening at our store in Chicago.*

Jo Ann Stusek, 140 Steeplechase

What kind of light will there be? Will it be facing the condos in the back?
(Schryer) He will address that with the Board.

Bernadette O'Hanlon, 520 Derby Run

I am expressing the same concerns that my sister did. Are you making a commitment to put in some large trees bordering out fencing area? We are hoping that landscaping will help with the noise. This will affect about 12 families.

(Sinclair) I appreciate your concern and I am willing to address it. I am waiting for review by the experts about what they feel will be an effective sound barrier.

Board Comments (continued):

(Wyss) Would you be willing to limit the motorcycle traffic behind the building with signage? The reflection of noise off the building would be the most invasive to Steeplechase. *There is no value in riding a bike behind the building. We do not plan to use the loading dock. We do want to use the other three sides of the building. We do need to keep the rear door from a safety point of view. Signage in the parking lot to limit motorcycle traffic behind the building could be put in the Conditional Use.*

(Schryer) We can also include in the Conditional Use - no testing of cycles in the rear or riding in the rear. We can also add Signage. *We do need to start the vehicle outside on the property to start a test drive. We do not intend to test the product outside while sitting on kickstand anyway. Putting up fences on the back of building so no one could get back there would be okay. We do not need the back of the building for bike use but safety vehicles might need to get in and out.*

(Plecnik) Valid concerns have been expressed. We need to do whatever we can so this business does not interfere with the quality of life in Steeplechase. Do you intend to have lighting or signage that directs toward the back of the building? *The only lighting we would want to have on the back is for safety purposes. In terms of display lighting, all the signage would be on the front of the building, subject to zoning requirements. Lighting for the parking lot would be on the front of the building. There is no commercial reason to light the back of the building. Any lighting there would be for safety reasons. We are fronting on the road.*

(Lillich) For the public's information, we require a lighting plan. One of the things we do is measure the amount of spilled light onto adjacent properties.

(DiFranco) A lighting or Photometric Plan is required for Preliminary approval. We do not have a lighting plan or landscape plan. Building elevations are not very far along. I think what he is looking for today is a Conditional Use approval. *That was my understanding of what I was here for. If this was a more technical review, I would have had the engineers and architects here.*

Frank Cihula, 35060 Dixon Road

The garden center area has very large, bright white lights up near the ceiling. The siding on the outside are designed so those lights are not visible outside. I would hope you would not destroy the screening of those lights. *We have no plans to change the exterior on that side of the building. Except for closing it in, which will take care of the lights. This is just a point to consider.*

Public Portion for American Heritage Motorcycles, LLC closed at 8:08 PM

(Schryer) We could do the Conditional Use. Then we could review a list of what is left to do to come back for Preliminary, like the routes the bike will take. The applicant might want to find out what two days a week they might want to be open late in the summer. *It is useful from a business point of view to have some flexibility on that. Currently, in Chicago, we have 5-day schedule. That store is closed on Sunday and Monday. We are still experimenting with what schedule works best for sales. Thursday would most likely be one of the nights. If it is possible to have flexibility, that would be helpful.*

(Davis) We should specify that test routes to be discussed on byways so they will not go through residential areas.

(Plecnik) There should be some type of sound barrier, be it trees or fence or whatever is most effective based on the study

(Schryer) Any new business needs to have a Landscape Plan.

(Lillich) That sound barrier would be in addition to the existing 8-foot fence.

(Wyss) I would caution the Board about unreasonable conditions. The code will dictate landscaping. We can request that they distribute the landscaping in a manner that the majority of it is in the rear area. That would be a reasonable request and a reasonable condition. Since this is a Court order, 'sound barrier' could be interpreted as what is installed on the interstate highways. That would be unreasonable.

(Plecnik) I would say 'a sound barrier, which at a minimum would constitute a row of large trees'. It could be more depending on what they are willing to do and what might be most effective.

(Schryer) Arrangement of the trees can be staggered to get more of a sound barrier.

(DiFranco) I would say, 'follow the Code'. It is pretty well written. It requires a mix of trees, different heights and types.

MOTION: John Lillich moved that the Board grant the Conditional Use permit for 2821 Bishop Rd, with the applicant aware that he must comply with all parts of Section 1147.08 of the Code; that we specify that any vehicle testing be done on the public byways and that the test routes to be discussed will not be run through residential areas; that the applicant add signage to prevent/notify any riders that circling the building to the rear is not permitted; and that additional sound barrier will be planned based on the study and will follow the Landscape Code.

Seconded by Joseph Zawatski

Voice Vote: Ayes Unanimous

Motion Passes 5/0

2. Ann Pickens, Trustee / Michael A. Prah

Contractor: N/A

29345 White Rd. – Lot Split – PPN: 31-A-005-F-00-013-0

Plans stamped received in Building Department 3/4/14

Plans reviewed by Building Department 3/11/14

Present: Bill Schade (surveyor) and Michael Prah (one of Tenants in Common)

Owner/Representative Comments:

- That property has been in our family for several decades. My sister and I are the remaining owners. Getting rid of the property is bittersweet.
- We tried to sell it as one parcel without success. We did get an offer on splitting the lot. The offer has been accepted for that one part of the lot.

- There was an offer for the eastside part but we did not accept it.
- There was a century home on the property. It caught fire. Then it was used for training purposes by the Fire Department. Foundations were fully excavated 17 years ago. Testing determined that there were no toxic materials. It is basically a vacant piece of property.

City Engineer's Comments (DiFranco):

The lot split complies with the zoning code. We have no issues. We recommend approval.

Board Comments

(Plecnik) I think we should approve this. At the end of the day, hopefully there will be two new homes on White Road.

MOTION: John Lillich moved to approve the Lot Split for 29345 White Rd.
Seconded by Joseph Zawatski
Voice Vote: Ayes Unanimous
Motion Passes 5/0

(Schryer) The three copies of the plat and the legal description will be stamped in the morning in the building Department.

3.) Zoning Code – Follow Up

The goal is to vote at the next meeting on the four items listed below that we have been discussing for zoning issues. Hopefully, everything will be ready so we could send a letter along with each of these recommendations to the Council President. That would allow them to schedule their Hearing. Usually they send their comments and suggestions back to the Planning Commission for further discussion.

Planning and Zoning (P&Z) Committee of Council: Councilman Fiebig held a meeting last Thursday. Councilman Plecnik reported on that meeting. Everyone in attendance was invited to discuss all of the topics that the Planning and Zoning Commission is considering.

- Law Director Lobe expressed some concern about the way Cross Access Easements reads. It currently has an appeal to Council. Currently, no appeals go to Council. He does not have a preference but did suggest that appeal to the BZA might be considered.
- Councilman Chris Hallum noted that many residents in Willoughby Hills have their house numbers aligned on a post, rather than on the mailbox. He suggested consideration of amending the language to include numbering on either the mailbox or post. Council President Somich noted that many mailboxes only have numbering on one side. He suggested that it would be unfair to require numbering on both sides for residents who already have their mailboxes set up. The Law Director said that, in his interpretation, it would apply prospectively for new development. He suggested that a statement be included that this is prospective, not retroactive for safety sake. Mr. Somich said that residents should not have to worry about the 'mailbox police'.
- Discussion was held on horse and livestock ordinances. Outside the Zoning Code, but in the Building Code, there are some rules regarding cloven animals. It might make sense to have a comprehensive ordinance that governs all livestock and states what acreage is required for what animals.

1.) Section 1133.04 (a) Setback Requirements

This is just an update of wording. It is on the Hearing Notice. The Board has a copy.

2.) Section 1345.01 through 1345.99 Building Numbering

- This is an update. It is on the Hearing Notice. The Board has a copy.

- Comments from the P&Z Committee are noted above.
- Mr. Davis added that the P&Z Committee of Council also discussed for areas like condos where the mailboxes are all grouped together. Numbering on houses or condo units would be helpful to the Fire Department. Chairman Schryer clarified that specification of the 4" height and a ½" width for letters refers to house numbers. There is a separate paragraph for mail boxes and another for house numbers. Mr. Wyss reminded the Board that the suggested language came from the International Property Maintenance Code. He stated that many mailboxes do not have any numbering. We will check on this for next meeting.
- Frank Cihula reported that he has numbers and letters in three places: on top of the mailbox and on a post in front of the house which is 70 feet from the road. Letters on the post are 3 inches high and are visible from the street.

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

- This will be added to Section 1137, not 1157. A write up of how it will go in the Code will be prepared for the next meeting.
- Comments from the P&Z Committee regarding Cross Access are noted above.
- When originally written, appeal was to either BZA or Council. It was changed to Council because appeals of Board decisions go to Council. I have no preference either way.
- Mr. Cihula stated that Architectural Board of Review decisions are appealable to Council. That is the only thing that is appealable to Council. It is in the Charter.
- Mr. Wyss stated that it is a provision in the Zoning Code, that zoning decisions are appealed to the Board of Building and Zoning Appeals (BZA).
- We will amend that to BZA.
- Mr. Wyss is trying to contact the planning chairman in Franklin, Tennessee regarding their ordinance that is essentially the same as this one. Her input regarding any challenges will be requested.
- Mr. Wyss reported that Assistant City Engineer Dan Collins inquired about where there is any legal precedent of objecting to provisions like this. Law Director Lobe has made it clear that this provision does not affect any development that is already before the Board.

4.) Section 1133.11(c)(6) Materials and Construction [Electrified Fences]

The Building Commissioner did some additional research on electric fences.
An email was sent around to the Board.

Public Portion for Zoning Code opened at 8:43 P.M.

No Public Portion Participation

Public Portion for Zoning Code closed at 8:43 P.M.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT (Plecnik)

- I already reported on the meeting of the P&Z Committee of Council on Thursday, March 13th. Council also met on Thursday, March 13th. There were several pieces of road and sewer legislation which were passed.
- The Willoughby-Eastlake Public Library system plans to announce the appointment of a new Library Trustee on March 24th.

BUILDING COMMISSIONER'S REPORT

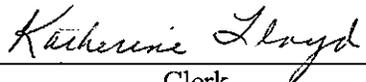
None

CHAIRMAN'S REPORT

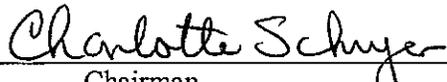
In this room, this Board discusses items that pertain to PCABR business. We are a planning board. We have no politics. There has been a lot of scuttlebutt going on. This Board will stay very neutral. Members need to be neutral, especially in this room. In all of my years on the Planning Commission, I have never been told by a Mayor or anyone how to set my agenda or how to direct business items.

MOTION: John Lillich moved to adjourn.
Seconded by John Davis
Voice Vote: Ayes Unanimous
Motion Passes 5/0

Adjourned at 8:49 P.M.



Clerk



Chairman

Date Approved 4/3/2014