

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

**April 4, 2013**

**CALL TO ORDER:** 7:06 pm

**PRESENT:** Chairman Charlotte Schryer, Vice Chairman John Lillich,  
Council Representative Frank Germano, Madeleine Smith and John Davis

**ABSENT:** Mayor Robert Weger

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

**MOTION:** John Lillich moved to excuse the absence of Mayor Weger for tonight's meeting.  
Seconded by David Fiebig  
Voice Vote: Ayes Unanimous  
**Motion Passes 6/0**

**Correspondence:**

City Engineer, Pietro A DiFranco, P.E., March 29, 2013  
Matthew Krupa, 34960 Dixon Road  
Donna Kautz, 34905 Dixon Road  
Nancy Zwarycz, 34936 Dixon Road  
David Brickman, 35260 Dixon Road  
Sam Coso, 34910 Dixon Road  
Joseph Zeolla, 35101 Dixon Road  
Gerda Van Dyck, 34955 Dixon Road [distributed to Board at meeting]  
Donald R. Snyder, 35055 Dixon Road [distributed to Board at meeting]

**Disposition of Minutes** – Meeting of March 21, 2013

**MOTION:** John Lillich moved to approve the Minutes of March 7, 2013 as presented.  
Seconded by John Davis  
Roll call: 4 Ayes and 1 Abstention (Fiebig)  
**Motion Passes 4/0**

**ARCHITECTURAL BOARD OF REVIEW**

Public Portion opened at 7:07 pm.  
No public input.  
Public Portion closed at 7:07 pm.

1. Mike Frank

Contractor, Signature Construction

**2443 Pine Valley - In Ground Pool – PPN: 31-A-017-D-00-001-0**

Plans stamped received by Building Department 3-19-13

Plans reviewed by Building Department 3-25-2013

**Present:** Sam Trevarca, Signature Construction

**Owner/Representative Comments:**

- The 16 x 32 foot pool will be located off the patio in back of the house.
- There will be a Regis aluminum wrought iron fence around the pool complete with a self-locking gate. The neighbor to the rear has an existing chain link fence around the yard.
- The house already has an alarm system on all doors.

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

No comments

**Board Comments:**

(Lillich) Is the pool equipment screened? *It will be located next to the garage with some landscaping around it. The equipment will not be visible to the neighbors.*

(Schryer) What type of landscaping is planned to screen the pool? *Pine trees line Maple Street. There will be a landscaping bed near pool for privacy.*

**MOTION:** John Lillich moved to accept the plans for the In Ground Pool at 2443 Pine Valley as presented.  
Seconded by Madeleine Smith  
Voice Vote: Ayes Unanimous  
**Motion Passes 5/0**

**PLANNING COMMISSION**

**Public Portion**

(Schryer) Public Portion will be opened after the applicant has made his presentation. Many of the questions of the residents in the audience may be answered during the presentation.

1. Chagrin North V Limited

Contractor: Clover Construction

**35100 Chardon Road, #100 - Senior Living Facility – PPN: 31-A-004-0-00-025-0  
and PPN: 31-A-004-0-00- 024-0**

Preliminary plan Review

Application March 15, 2013

City Engineer review March 29, 2013

Plans received April 1, 2013

Present: Lon Marino, Clover Construction and Kevin Alden, civil engineer with Polaris

**Owner/Representative Comments:**

Site plan rendering showed a 3-story structure with vinyl siding for independent living. There will be 9 separate garages. Each building has 94 two-bedroom units and 29 one-bedroom units. All the units have one bathroom.

- Each floor of the building will have two laundry facilities in the corners.
- On the main floor, there is a patio off the back of the building with a community room with a little kitchen area.
- We do not prepare food for the residents. It is an independent living facility.
- Each floor also has a library or sitting room.
- We will have an exercise room in the building.

- The beauty salon is a service only for residents. It may be open 1-2 times per week.
- Each building has a manager onsite from 7:00 A.M. to 6:00 P.M. At all other times, the building is locked. Access is by passkey.
- There is an onsite maintenance man in each building. He does minor repairs. Major jobs or repairs will be done by a third party. That would include snow removal and landscaping.

Exterior of the building

- Elevation drawing showed the front of the building and a detail of the entrance.
- Elevation of the side was shown. The building is U-shaped
- No rear elevation available.
- No elevation for the single car garages was available. Garages will have vinyl siding to match the main building.
- Each apartment unit has a small balcony with french doors.

**Public Portion**

**Opened at 7:22 p.m.**

Chairman Schryer suggested that the applicant make notes so that questions from the residents could be answered through the rest of the Board discussion.

Eddy Andryszak, 35325 Dixon Road

Do you think the three-story building will be out of proportion with the two story buildings on that side? When the 55 and over residents need assisted living, do they have to move out? Are there facilities for the residents to cook meals or facilities for someone else to cook meals? Are there elevators in the building? The majority of the building faces St. Noel. It is along the St. Noel property. The roads for the complex over there are beat up. With construction, will those roads be fixed up?  
*It is an independent living facility with elevators. The building faces Rt. 91; the rear faces St. Noel. We will find out about the roads.*

Dorothy Coso, 34910 Dixon Road

People 55 and over have children. Is this just for seniors? Can people bring their children? There are only 8 garages. Most people drive. What arrangements will be made for those that don't drive? I have a friend in a senior living facility on the west side. They have 'pulls' in the bathroom or upstairs in case something happens? I also do not like it being a three-story building. If it going to be there, it should match the other buildings there.

*It is for senior living, 55 years old and over. It is not for children. Our residents are usually 70-85 year old. In the state of Ohio, there is no set definition of a 'senior' but the guideline is 55 and over. Our lease does not permit a guest to stay longer than two nights. We will make note of the questions about transportation and 'pulls' to discuss later.*

Donna Kautz, 34905 Dixon Road

I have a question and comments. What are the dimensions of the building?

I don't think this is appropriate next to our neighborhood which is called Sleepy Hollow Estates. We are proud of our neighborhood. I think this building will turn away prospective home buyers and drive down our property values. It is not country-charming or in character with our neighborhood community. It will be very visible, especially this time of year when there is no vegetation. We can see from Dixon Road across to Chardon Road. I think it could go somewhere else more appropriate. I made suggestions in the letter that I wrote.

Jilan Zhang 34925 Dixon Road.

Why do you think that is the proper place for senior home? It is on the far side of an office complex. Even the offices have a hard time getting people to the office. What makes you think you will do better?

The roads there are horrible. Who will maintain them? What if there is a medical emergency? I work in one of those offices. Will there be frequent ambulances because they are senior people. The ambulances would drive behind the tree line. How will you set up the beauty salon? If the residents do not support the business and services, it could become a 'dump'.

Don Snyder, 35055 Dixon Road

I am a lifelong resident. I was born and raised in the house I am in. I understand that Willoughby Hills needs to move forward and have development. The proposed building does not fit in this office and business setting. Your demographic is elderly but they would not necessarily go to the doctors in that area. Aesthetically, the wood and vinyl structure does not match St. Noel or the brick structures with Western Reserve detail nearby. The height does not match the height of nearby buildings. From Route 6, its three-story height would be obvious. I am also concerned about property values.

The building would allow a maximum of 197 people concentrated into the area, in addition to the employees. That would be out of character with the 'country charm' and the low density, one-residence-per-acre. This is the City Center should follow what you have already.

Joyce Grady, 3020 Marcum

I agree with the last two people who have spoken. I am disturbed that the City would allow a residential living even though it is a senior complex within the proposed area. I do not think it is the proper place. It is in the middle of the community. Pine Ridge and Bishop Park are on the outskirts. I resent being crowded out in my single family home. The 'country charm' is being infringed upon. This is a warning of future development.

**Public Portion closed at 7:36 pm.**

(Schryer) As we go through each section, we need to try to address as many of the questions asked by the residents tonight.

**City Engineer's Comments (DiFranco) for the Site Plan:**

Comments on the Site Plan listed below were included in a memo dated March 29, 2013 from the Engineer to the PCABR Board and the Building Commissioner.

- 1.) A lot consolidation plan for the two parcels needs to be approved before a permit can be issued.
- 2.) There is a storm water pond shown on the south hillside. Per my conversation with Polaris, it is a swale to catch drainage before it goes onto the driveway. I need to know your intention is for it. How will it work to put the detention at a higher elevation? *Originally we wanted to catch the water coming down the hillside before it hit the pavement. I think we will have plenty of volume in those two stormwater basins to meet the city requirements. We will narrow it down to what we need to and to minimize disturbance to existing vegetation. The swale on the south end is just to collect the run-off from neighboring properties. The other two stormwater areas onsite will have plenty of volume.*
- 3.) There were no storm sewer sizes or inverts shown on the plans. Where those are located could affect some of the engineering and design layouts. It is better to get it on the record now.
- 4.) We have not received a lighting or landscape plan. Therefore, we had nothing to review. Both are required under Code 1111.06.
- 5.) We need to confirm the location of a fire department connection. It is currently shown at the northeast corner of the building. The Fire Department would have to drag a hose about 250 feet through the stormwater detention pond. It will need to be reviewed with the Fire Department.

- 6.) Proposed topography and tree locations were not provided. Most of the site has been cleared. We need to know what trees you plan to remove and what is planned for that hillside.
- 7.) Once you get into Final Design, we have a list of the needed drawings. This will be given to the applicant.

**Building Commissioner's Comments:**

The owner of Buildings 1, 2, 7 & 8 has been doing ongoing concrete repairs since last year. The ingress and egress of the driveways are shared by all of the building owners. The Building Department will be sending letters to all of the owners to make them aware that all of the driveways leading to all of the buildings need to be repaired. If anyone has questions about the driveway spaces, they should contact the Building Department. When Clover Development gets started, they would be liable for any damage from construction.

(Lillich) Just for clarification, those are not dedicated city streets. They are private.

**Board Comments on the Site Plan:**

(Fiebig) Perhaps we could have another Public Portion after we address the questions brought up here? Some of the questions asked were answered during the Work Session but those topics were not covered during your presentation tonight. Perhaps relaying that information would alleviate some of the concerns. Some of the elevations seem to go beyond the 30 feet height requirement. We need to address that.

(Schryer) We need to finish discussion of the site plan first.

(Lillich) The garages are in front of the building. *After the Work Session we did move them to the rear next to the Restricted Covenant Area.* Back by St. Noel's would be the rear. We also asked for architectural drawings and renderings of the garages. *We do not have them.*

(Fiebig) There are actually 9 garages. We have not addressed the outside parking and the number of spaces available. *There are 90 parking spaces which meets Code. We will also be picking up additional land near the front of the building where there will be an additional 30 spaces.* Some of that parking is right behind the neighboring homes.

(Schryer) There was some landscaping shown on one of the plans? *The existing tree buffer shown in green is in the 70-foot Restricted Covenant Easement area. We plan some pear trees around the property. We are working with their landscape architect. We are not allowed to do anything with the 70-foot buffer on the south side. We are setting a basin to catch stormwater from the neighboring properties. There is also a 30-foot buffer along the east side by St. Noel. We are not allowed to do anything there.*

(Wyss) That area is not restricted from landscaping. The court order was specific. Landscaping on that buffer would be a benefit to the residents. We do need a tree plan of what is existing, especially older trees.

(Schryer) Is it possible to put a walkway to St. Noel, the Community Center and the Library?

(Davis) It is about 200 feet from the front door to the extra parking going straight across the basin. A walkway across the basin may be necessary.

(DiFranco) Is the additional parking and the drive on your property? *It is on the property we purchased. You would not need permission to maintain it? Correct.* Those parking spaces are extra; you don't need them to meet the Code. *Correct*

(Fiebig) Would Clover consider a fence between the Dixon properties and the garages would help with lights and voices? *We will look into it.* Where do you plan to put the signage? *We do not have a plan yet.*

(Davis) If the garages were on the southeast side, it might help with concerns expressed. *We will look into it?*

(Schryer) The trash enclosure must be camouflaged according to Code.

(Wyss) It does have a fence.

**City Engineer's Comments (DiFranco) for the Building:**

1.) On the front elevation

- Roof features and windows on the front entrance do not seem symmetrical, balanced or to scale with the rest of the long building.
- The main roof dormer over the front entrance and the two small dormers do not seem symmetrical. We suggest replacing the small dormers with two larger dormers symmetrical with the main entrance. The main dormer would be made symmetrical with the windows.
- Visual impression of support for the dormers suggested for aesthetics. It could be done with a change in material.

2.) The building height exceeds the 30-foot requirement listed in Section 1137. There is an analysis on the drawing.

3.) Section 1137 lists materials that are acceptable on elevations facing the street. Vinyl is not listed. It would need an equivalence or variance.

4.) We do not have rear or side building elevations so they could not be reviewed. They should be similar to the front elevation concept. We suggest incorporating a variety of materials to add interest.

5.) The mechanical equipment was not shown. Wherever it is put, large units need to be screened.

6.) We did not have information on the garages so they could not be reviewed.

7.) Section 1137 limits the amount of free space on a building with no window or architectural interest. The ends of the buildings have no windows. Something needs to be done to meet code.

*(Alden) According to Code, if a building is 30 feet off the property line, the building can be 30 feet high. That goes to the midpoint of the roof line. If you are 200 feet from the property line, the roof can go up to 40 feet. If you drew a line between the 30 and 40, we would be under it. The building height is 40 feet at the peak but the midpoint by the roof it is 34 feet 5 inches. We do meet the Code requirements within those provisions because we are further away from the property line. The maximum it can be is 40 feet to the midpoint of the roofline if it is 200 feet away from the property line.*

*(Wyss) The Code is specific for those two criteria. The minimum setback in a B-2 area is 30 feet. At 200 feet, the Code states the 40 feet. On a gabled roof, the Code is clear that the measurement is to midpoint, not to the peak. If you take the line of interpolation from the 30 feet to the 40 feet, the peak will be within the criteria of the invisible line. For someone standing at the edge of the residential area, the height of this building is at the same equivalency or less. (Alden) The building is 132 feet off the property line. Especially with the 70-foot covenant, we are well off that. The minimum setback requirement is only 30 feet. Because of the topography, the height of the building would be the equivalent of two stories.*

*(Lillich) Architecturally, this building does not fit with City Hall and office buildings. The name of the project changed from Senior Congregate Care to Senior Living Facility. It is a typo. The name of this facility and its purpose as presented by the developer and the management company is subject to change. Location may be allowed but there are no apartment – multiple family buildings in the area. I would not want to break with precedent. Sidewalks have been an on-going discussion.*

*(Smith) There are many rental units at other end of the city with comparable rents. This end of the city has more of a country feel. This is a high density apartment building with no senior amenities. Renters do not usually become involved with the community. There are no provisions for people without cars.*

*(Schryer) This is a B-2 District. We need to consider carefully what alternatives you would want for this property. Architecturally, the details can be worked on. This will be a quiet building.*

*(Lillich) Willoughby Hills and Concord Township are the most desirable places in Lake County.*

(Marino) I will try to address the list of questions raised by the Public. Some were already addressed.

- Transportation: For people with no car, there are public and private options to get rides. This is an independent living facility. People who live in our buildings are independent.
- Pull cords for emergency: Our buildings do not have that. This is not assisted living. Some people use a First Alert program.
- Dimensions of Building: The length is 420 feet, running south to north. The wings are 150 feet.
- Location of the building: We ran a demographic on the site. Our resident typically come from seniors 65 years and older within the 5-mile radius around the site.
- They are people who are from the community, want to stay part of the community close to family, place of worship and shopping in an affordable apartment with no stairs
- Ambulances: With a population of 113 to 130 residents, visit from ambulance is more likely than in a single home neighborhood. The ambulance usually cuts the siren before getting to the building to avoid disturbing the area.
- Private Business: Buildings similar to this have been successful in other cities.
- Fit in the area: The proposed vinyl seems to be the wave of the future in most developments.
- Value of homes: Market research has varying information. What matters is location, the land and the desirability of the community.

(Davis) I live in Pebblebrook. We do get ambulances. It does not affect our noise level.

(Lillich) Is Clover also the name of the management company? Yes, we develop, construct, own and manage our properties. We have been in business since 1987.

(Schryer) No one wants a building that is only vinyl sided. Most of our home and buildings have architectural features using brick or stone and accents in other materials.

(Lillich) St. Noel's is a beautiful stone building.

### **Public Portion Re-Opened at 8:30 pm.**

#### Sam Coso, 34910 Dixon Road

If my sidewalk was in disrepair, the City would contact me. Does our City have a right to inspect the properties and make sure they are fixed?

The Chairman asked the public to contact the Building Department directly about the other properties. The Building Commissioner provided a brief history of road repair of the other properties.

#### Eddy Andryszak, 35325 Dixon Road

I too think it is in the wrong place. How many parking spaces are there? 99. How many apartments are there? 113. People 55 and older may have two cars. There needs to be enough spaces for visitors and friends.

*(Marino) There are 99 spaces on the site and 30 additional spaces are adjacent to the site for just that reason.*

#### Umbert Ritossa, 35036 Dixon Road

I always thought something will be built there, but I never thought it would be a three story building. It is not normal for our city.

#### Dave Brickman, 35260 Dixon Road

I don't mind a senior building. It is just in the wrong place. There are other places besides our backyard. It could be by Loehmann's Plaza or the hospital.

Donna Kautz, 34905 Dixon Road

The demographic survey is a survey with numbers only. No one came to my house or sent one to my home to ask if I would move to a senior apartment behind Dixon Road. I am an active senior. A senior apartment would be a last resort. A senior apartment should be by the other apartments.

Dorothy Coso, 34910 Dixon Road

It does not belong in the center of Willoughby Hills. We just have single homes here. Apartments on the outskirts. This is a small community. It is not Buffalo or Erie. There are not enough people to move into that apartment. This is not the right place for it.

Jilan Zhang 34925 Dixon Road.

I have complained about the dumping for 10 years. We have complained to the landlord about the big hole. He complained to the owner. We did not complain to the City because it is a private drive.

Tony Spendal, 35236 Dixon Road

I am a long-time resident for 53 years. I love my privacy. I do not want an apartment next to me. Not here.

**Public Portion Closed Again at 8:47 pm.**

(Schryer) There are many items that the Board and Engineer did not receive. There are things in the Code that have not been met. My recommendation is that we postpone this to see whether the developer wants to proceed.

(Lillich) This turned out to be a real work session. There is still much to be done.

**MOTION:** John Lillich moved to postpone a decision on the Preliminary Plan Review for the Senior Living Facility at 35100 Chardon Road, #100 until the developer and the management company bring this back for future discussion at their convenience.  
Seconded by David Fiebig

Additional Discussion:

(Fiebig) The developer does not have a purchase agreement on this property? *We are under contract. It is at our option.* If you purchased this property, this fully fits with your plan and fits with the current B-2 Zoning. No variance is necessary for this plan as presented? There are still many issues to be worked out. Thank you for your interest in Willoughby Hills

(Schryer) The review is being tabled, not postponed. You can come back when you are ready. It will be important to be sure that we have all the items in and reviewed.

**Voice Vote: Ayes Unanimous  
Motion Passes 5/0**

(Schryer) We thank everyone for coming tonight. There were many great comments.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**MAYOR'S REPORT**

None

**COUNCIL REPRESENTATIVE'S REPORT**

None

**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 5/0**

**Adjourned at 8:56 pm.**

  
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Clerk

  
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Chairman

Date Approved 5-2-2013