

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

January 2, 2014

CALL TO ORDER: 7:00 P.M.

PRESENT: Chairman Charlotte Schryer, Vice Chairman John Lillich, Mayor Robert Weger, Council Representative David Fiebig, John Davis, Joe Zawatski and Christopher Smith

ALSO PRESENT: Building Commissioner Fred Wyss, City Engineer Pietro DiFranco, BZA Representative Frank Cihula and Clerk Pro Tem Joan Motuza

Madeleine Smith has retired after many years on the Board.
Christopher Smith was sworn in by Mayor Weger prior to the meeting as her replacement.

Correspondence

- Letter and Hearing Notice dated December 17, 2013 sent to Property Owners within 500 feet of 32500 Chardon Road, Willoughby Hills, Ohio.
- Email from Frank Cihula dated December 27, 2013 RE: 32500 Chardon Road.
- Memo dated December 31, 2013 from Fred Wyss, Building Commissioner & Zoning Administrator to the Planning and Zoning Commission RE: 32500 Chardon Road.
- Notes prepared by Chairman Charlotte Schryer dated January 2, 2014 RE: 32500 Chardon Road.
- Power Point Presentation on January 2, 2013 by Steve Thompson, Superintendent of Willoughby-Eastlake Schools RE: 32500 Chardon Road.

ORGANIZATIONAL SESSION for the YEAR 2014

Nominations opened for Chairman for the Year 2014

John Lillich nominated Charlotte Schryer
The Chairman called 3 times for additional nominations. There were none.
Nominations were closed.

Roll Call: Ayes Unanimous

2014 Chairman: Charlotte Schryer

Nominations for Vice Chairman for the Year 2014

Mayor Weger nominated John Lillich.
The Chairman called 3 times for additional nominations. There were none.
Nominations were closed.

Roll Call: Ayes Unanimous

2014 Vice Chairman: John Lillich

Certification of Clerk

Motion: John Lillich moved to affirm Katherine Lloyd as Clerk for 2014
Seconded by David Fiebig

Roll Call: Ayes Unanimous

Motion Passes 7/0

2014 Clerk: Katherine Lloyd

PUBLIC HEARING

1. Willoughby-Eastlake School System

Eaton Corporation (owner of property)

32500 Chardon Rd – Similar Use Hearing – 31-A-006-0-00-010-0 and 31-A-006-0-00-009-0

31-A-006-G-00-008-0 and 31-A-006-G-00-007-0

Application received by Building Department 12-16-13

There have been several meetings with the City Law Director Tom Lobe

Fred Wyss read from his Memo dated December 31, 2014 regarding his zoning review for location of a proposed specialty magnet school in the existing building facilities on the former Eaton property. Recent uses by Eaton Corporation were reviewed. As a result of meetings with the Law Director and Planning Commission Chairman, it was determined that the proposed use would be similar to Eaton's last use as Eaton University. This use was known by the City and was a Permitted Use. The proposed use would also be the same use. Continuation of the use would be allowed less than one year after Eaton ceased operation in April, 2013. He recommends that the proposed use of the Eaton property as a public school be approved as either Similar Use or Permitted by Right. Mr. Lobe, the City Law Director consulted with the City's zoning consultant, David Hart who concurred.

Chairman Schryer discussed her Notes dated January 2, 2014 from the Meetings with Tom Lobe.

This Board will be looking at the facts before applying the law. History of use by Eaton was outlined. Willoughby Eastlake Schools wants to use this property to educate children rather than educating adults as Eaton did. When looking at the Code, we need to look at the purposes of each section, maintaining the characteristics of the City, the objectives of the Master Plan and objectionable influences. Educational facilities are a positive use. The Accessory Use fits for education. The owner of the Eaton property has one year to hold onto the use as an educational center. This property is 'grandfathered in' for this use at this time.

Willoughby Eastlake Schools and Eaton Corp.

Mr. Thompson presented the intended use of the Eaton facility, the value that it will bring to the community, the anticipated minimal modifications to the facility and the impact on Willoughby Hills City services.

- The facility will be used as a school in the 2015-2016 school year. In the interim, there will be minimal modification to the facility and the teachers and staff will be trained. The proposed student population will be non-drivers. Total student population will increase to about 500 students over the next 7 school years.
- It adds value as a school in the community. It will add to property values. The staff employees will generate income tax revenue for the City. There will be two like-minded entities which will rent space from us.
- This will be a State of the art facility which will meet the needs of 21st Century learners. There will be space available for the WH youth basketball programs and rental opportunities for receptions events. We are working on partnerships with other universities for possible adult programming in the future. They will collaborate with the City regarding use of the 14 acres.
- Minimal changes will be necessary. All the technology from Eaton's 2003 upgrade to their University is part of the purchase agreement. Modifications will not involve any load-bearing walls. The gymnasium is where the warehouse once was with a separate outside entrance. Cubicles on the 1st and 2nd floor will be converted into classroom.
- All surface parking will be resurfaced and striped. No additional parking will be required.
- The district is responsible for upkeep and maintenance of the facility from the entrance all the way to the back.

- A playground behind the facility is planned
- Modifications will be made to resolve potential drainage issues.
- Traditional fencing will be put up to contain the playground and ensure the safety of the students.
- City Services: 4-5 buses will route students initially. Buses and some car traffic will be in morning and afternoon. Children will return to their home school districts for athletics in the evening. At capacity, there will be about 10-12 buses.

[Copies of the power point presentation were distributed to the Board.]

Board Questions

(Lillich) I would have discussed the same points that Fred discussed. This will be an asset to the community. What are the criteria for determining which students will participate in this school? *During the interim year, we will put our staff together and build the criteria. We want this to be more expansive than our Zenith program. Our object is to involve our staff and the community as we build out the concepts.*

(Zawatski) I applaud the work done for this presentation and am sorry my daughter will not be able to attend. I hope we can move forward with this.

(Schryer) You spoke about renting space to possible tenants? *I have two educationally related entities but no contracts yet. If they work out, it would mean 30 additional full time people in the facility.*

(Fiebig) Will the Stream Academy replace the Zenith program? I am familiar with the Zenith program. I was president of the program and very active in the school district with it. *It will replace the Zenith program.*

It is an exciting idea but there are questions that the public will have.

- Have you anticipated creation of a 'school zone' in front of the school on Chardon Road? Who would pay for that? *At this point, we have time to research the flashing lights or stop lights and a zone. In the first several years, traffic will be limited to teachers, employees and 4-5 buses. In the future, a traffic study will be appropriate.* Willoughby Hills Friends Church pushed the ball forward on establishing their school zone.
- Can you elaborate on your plans for the drainage issues? *There are wetlands in the back. Because of the parking lot slope, one area is soggy. Our architect is considering field drains across the back of it. There will also be a fence on park of the parking lot so the students have an area for kickball. The projected location of the playground will not be in the wetlands.*
- You mentioned traditional fencing? Do we need a variance in E-Zoning? *At Grant Elementary, we put in 6-foot fencing on both ends of the property in response to concern from residents.*
- As a body we may want to discuss whether this fits the intended use of the E-Zone. In 2014, we will be reviewing the Zoning code. *(Schryer) That will not affect what we are doing here tonight.*
- You mentioned having a presence in Willoughby Hills. What are your plans for the Garfield property? *We are currently looking at the sale of other three pieces of property. Those funds will offset our costs for purchasing this building. The Garfield property is not earmarked at this time. School property must be auctioned. The school district would be open to a sale to the City but you would have to bid in an open auction process.*

(DiFranco) I understand these are preliminary plans, but some thought needs to be given to the traffic and the sanitary sewer in that area. We should not postpone that consideration too long. Those things and the processes take time. *That is a good point but it was a manufacturing facility at one time with tractor trailers going in and out.* Regarding the sanitary sewer, will the cafeteria service be expanded? Will there be prepared hot meals? Just going from an adult clientele to a student population, increases the sanitary sewer demand. That may lead to an additional tap-in fee. A grease intercept may be necessary. *There are currently 2 full kitchens. We have base kitchens where meals are prepared and satellites where we transport the food. This will be a satellite, not a base kitchen.*

Public Portion opened at 7:37 PM

The Applicant will respond to questions at the end.

Linda Fulton, 2990 Marcum Blvd.

Eaton has kept beautiful landscaping. That is important to the people next door. Does the school system intend to maintain that level of landscaping?

Chris Hallum, 2937 Lamplight Lane

Our property abuts the Eaton property. The school will not have a property tax. As part of the Economic Task Force for Willoughby Hills, I am concerned uses of our buildings and income for the City and whether this is the right option for the City regarding property and payroll taxes.

Nancy Fellows, City Council, 2012 Fowler Drive

What is the age range of the students now and in the future?

Listening to all the facts presented at this meeting, people could assume that you have already purchased this property. Have you?

Frank Cihula, 35060 Dixon

Like David Fiebig, I am also very familiar with the gifted program. My oldest son was in the first class. You said that program was becoming Stream. Is that an acronym? What is its derivation? How does it compare to the gifted program?

Ray Somich, City Council, 2941 Legend Lane

I represent the District west of this. That District has a lot of vacancies and imaging issues that we are working on. I believe this is an asset for us. Having a big company with property and payroll would be ideal. This would be a great alternative. Having a state of the art education facility will be a good image builder for the community and property values and an asset we can proudly promote. I support this and hope you all do as well.

Gary Meglich, 2891 Lamplight Lane

I do not believe it will be an asset to the community or my street. I am concerned about noise pollution. I am concerned that it will not bring taxes to this community. If you are talking about a 6-foot fence, it would need to be one of the big ones like there on the freeway for the noise. There's a lot of difference between kids and adults.

Public Portion closed at 7:43 PM

Responses to questions raised during Public Portion

- Landscaping (Thompson): My pet peeve is the condition of our facilities. It is a top priority for me because I believe it is something we haven't done effectively. I fully anticipate and expect that the landscaping will be maintained and that it will be better. This building will be a top priority. Landscaping is part of the total 'culture'.
- Age range of the children (Thompson): We anticipate starting in grades K through Grade 5. It will go to Grade 12 over 7 years.
- Definition of 'STREAM': (Thompson): It is an acronym that stands for Science, Technology, Reading, Engineering, Arts and Math. It is a hands-on, problem-based approach to education. We have a business advisory committee to include the business community from 3rd grade on. Students need both hard and soft skills to succeed.
- Taxes (Weger): In 1997 to 2003, Eaton went 'dark'. Eaton finally decided to make it a university after they could not find suitable tenant(s) for the building. From 2004 to 2014, it was a university until Eaton relocated. This school is the best solution for the building right now.

(Lillich) The school district is the biggest loser with the building off the tax base.

(Fiebig) Quoting from information provided tonight, Willoughby-Eastlake School District estimates \$16,600.00 Income Tax for the school year 2015-2016. At total capacity, the Income Tax revenue would be about \$42,200.00 based on the total number of employees. That does not include the entities that would be renting from us.

(Weger) Eaton brought in about \$720,000.00 and about \$80,000.00 in property tax. Most of that went to the schools. For many years, there was no income.

(Wyss) Since Eaton closed in April, 2013, there has been no income tax. About 12.5% of the property tax goes to the City which is about \$10,000.00.

Purchase of the property (Thompson): We have not purchased the property yet. We have an agreement in principle. The first step in the process to purchase the building is obtaining approval this evening. After that we would enter into a contract.

(Schryer) Any motion made tonight will be on a contingent basis. The 'same use' would only be for Willoughby-Eastlake Schools. It does not stay with the property.

(Smith) I will abstain from a vote because my company is the District's architect.

Concerns about Noise (Thompson): There would not be evening use. Students will rotate out to the playground area in smaller groups. We do not operate in the summer.

(Fiebig) I heard that there was a 2-day meeting with the Law Director, the Building Commission and the chairman. This property will be put into use for 20-30 years. I think a decision deserves more consideration than a 2-day meeting with three people. Perhaps we should take more time before making a decision.

(Lillich) I think the City has done its 'due diligence'. We have closely followed the guidelines laid out in the Charter. I do not think we need to take any longer.

MOTION: John Lillich moved to approve the continued Permitted Use of the Eaton property at 32500 Chardon Rd as proposed by the Willoughby-Eastlake School District pending the final purchase of the property by the Willoughby-Eastlake School District.

Seconded by Joe Zawatski

Voice Vote: Ayes Unanimous

Motion Passes 5 Ayes, 1 Nay (Fiebig) and 1 Abstention (Smith)

Public Hearing was closed at 8:11 PM

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 8:11 P.M.

No public input.

Public Portion closed at 8:11 P.M.

No Pending Business

Minor Alteration Approved by the Zoning Administrator

1. Marc Vasil, Owner

35155 Chardon Rd - PPN: 31A011D000070

Plans approved by Building Department 12-18-13

We had approved the project awhile back but the new owner decided to center the windows. That was a minor alteration.

PLANNING COMMISSION

Public Portion

Opened at 8:13 P.M.
No public input.
Closed at 8:13 P.M.

No Pending Business

UNFINISHED BUSINESS

None

NEW BUSINESS

Mr. Lillich reported that three property owners adjacent to the north of Hach-Otis approached the Western Reserve Land Conservancy last year with the desire to preserve their properties by having the Conservancy purchase them. It is a total of about 72 acres. One portion abuts the Sanctuary. The other two properties adjoin that parcel.

The Land Conservancy is looking for grants to purchase these properties. One of the conditions of the grant is that the Land Conservancy must supply 10% of the cost in either cash or in value. The Land Conservancy came to the Audubon Society, of which Mr. Lillich is a retired trustee. The Audubon Executive Board gave tentative agreement to allow the Land Conservancy to hold an easement on the Hach-Otis Sanctuary which would give them the value needed for the grant.

Another condition for the grant is approval from Lake County and the City of Willoughby Hills. He was told that a sample resolution was submitted to City County for adoption.

One of the reasons Mr. Lillich presented this information is that 72 acres would be removed from the tax base. However, all three owners get a tax abatement because their properties are in the state Forestry Program. 80-85% of the property is flood plain, steep or vertical slopes or heavily ravined.

Mr. Lillich distributed maps delineating the protected areas. Most of property is landlocked. A survey has found endangered plants and creatures. Concern is protection of the watershed and lake.

MAYOR'S REPORT

The land was purchased for the Clover development last Friday. They will be working on the deposit for the sewer and impact fee. The deed restriction will be put in place. Groundbreaking anticipated soon.

COUNCIL REPRESENTATIVE'S REPORT

Council appointed Chris Hallum to fill the vacancy left by Chris Malecek. He and three other newly elected Council members will be sworn in at Inaugural ceremony tomorrow at 5:30 P.M.

BUILDING COMMISSIONER'S REPORT

- The impact fee that that Clover Project will pay to the City for the Recreation Fund will be \$56,500.00 The sewer tap in fee will be \$180,000.00
- Mr. Wyss discussed part of the process of zoning review.
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MEMBERS'S REPORT

None

CHAIRMAN'S REPORT

Drive carefully going home.

MOTION: Mayor Weger moved to adjourn.
Seconded by John Lillich
Voice Vote: Ayes Unanimous
Motion Passes 7/0

Adjourned at 8:25 P.M.

Katherine D. Lloyd
Clerk

Charlotte Schryer
Chairman

Date Approved Feb. 6, 2014