

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

July 17, 2014

CALL TO ORDER 7:00 P.M

PRESENT: Chairman Charlotte Schryer, Vice Chairman John Lillich, Mayor Robert Weger, Council Representative John Plecnik, Joseph Zawatski and Christopher Smith

ABSENT: John Davis

ALSO PRESENT: Building Commissioner Fred Wyss, BZA Representative Frank Cihula and Clerk Katherine Lloyd

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

**Councilman John Plecnik is here tonight in place of Council Representative David Fiebig
City Engineer will not be here this evening.**

Correspondence:

- Email dated July 8, 2014 from Asst. City Engineer Collins re: Lot Split & Consolidation for Red Fox Pass and 2536 Kennelly Dr.
- Email dated July 10, 2014 from City Engineer DiFranco re: Preliminary Plan Review - Dunkin Donuts – 2801 Bishop Rd.
- Memo dated July 10 from Building Commissioner Wyss RE: Zoning Review for Dunkin Donuts 2801 Bishop Rd

Disposition of Minutes Meeting of June 19, 2014

(Lillich) We need to clarify the two homes on Maple Hill Drive.

- On page 3, ProBuilt Homes is building on 2507 Maple Hill Dr. is Sublot 7.
- On page 4, A. Perrino Construction is building on 2469 Maple Hill Dr. is Sublot 2.

MOTION: John Lillich moved to accept the Minutes of June 19, 2014 as corrected.
Seconded by Joseph Zawatski
Voice Vote: Ayes Unanimous
Motion Passes 6/0

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:04 P.M.

Robert Kowalsky, 2585 Timberline

Is this the correct place to ask about the proposed Zoning changes? I need to know what these things mean. He gave a copy of Cross Access to the Chairman. There were no questions listed.

Planning is the correct place but we will hear them here. Mr. Kowalsky was asked to submit his questions in writing

Public Portion closed at 7:12 P.M.

1. Martin Gazdak

Contractor: Seven Gables Co.

29326 Eddy Rd. – Addition to Home - PPN: 31-A-008-E-00-001-0

Plans stamped received in Building Department 7/8/14

Plans reviewed by Building Department

Present: Stan Malovrh (Seven Gables) and Martin Gazdak (owner)

Owner/Representative Comments:

- This is a master bedroom addition to the southeast corner of property.
- Pictures of house and samples of materials shown. Brick will match existing. Shingles are cobblestone stone gray. Siding is double-4 white by Wolverine

City Engineer's Comments (DiFranco):

None

Board Comments

(Schryer) The roof, shingles and everything will match the house? *Yes, exactly.* They don't look that old.

(Lillich) On the footprint, you are also adding a bay to garage. *Yes, we are adding one bay to the garage.*

(Smith) Are you doing anything to the existing house? Re-siding? Re-roofing? *We are adding some partitions and a pocket door, but nothing to the outside of the house, other than the addition.*

The single layer roof is about 3-4 years old. Is it the same shingle? *It is exactly the same lifetime shingle.*

MOTION: Joseph Zawatski moved to approve the plans for the Home Addition at 29326 Eddy Rd. as submitted.

Seconded by John Plecnik

Voice Vote: Ayes Unanimous

Motion Passes 6/0

1. Devin Podboy & Katie Watt

Contractor: ProBuilt Homes

2340 Pine Valley Dr. (S/L 25) – New Home & Garage - PPN: 31-A-017-D-00-025-0

Plans stamped received in Building Department 7/2/14

Plans reviewed by Building Department 7/15/14

Plans reviewed by City Engineer 7/10/14

Present: Devin Podboy & Katie Watt (Owners) and Stacy Johnson (ProBuilt Homes)

Owner/Representative Comments:

The roof is black. The garage and the house trim are white. Siding color is midnight blue. Picture of home with that siding color was shown. Samples of materials were shown.

City Engineer's Comments (DiFranco):

None

Board Comments

(Schryer) The garage doors are plain on the drawing. Are you using the plain door or the one shown in the picture? *The garage doors will have windows on the top and carriage style hardware.* It is a carriage door? *Correct, with spear hardware on the doors and windows. They have chosen an Ashen Weatherledge stone.*

(Lillich) It is an impressive home. Are you sure that you only want 8-foot garage doors? *It will be okay*

(Wyss) They submitted new color elevations tonight. [Applicant distributed copies]. The midnight blue color is not available in lap siding. They will do shake siding everywhere. With contrast of the stone, it probably will not be as busy as the plans depict.

(Johnson)The rear and side elevations are all shake. We found out last night that the side does not come in that color.

(Wyss) There are no other changes besides the shake siding. *No, no other changes.*

(Schryer) Thank you for bringing in the new elevations tonight. *We apologize for the delay.*

(Smith) You are doing mullions all the way around, including the back windows? *Yes.* Trim will be white? *Yes.* That's great. It will 'pop'.

(Lillich) What type of doors is on the porch? *They are sliding glass with an outdoor fireplace on the porch.* It is all filled in. *It is hard to tell.*

MOTION: John Lillich moved to approve the plans for the New Home & Garage at 2340 Pine Valley Dr. (S/L 25) as submitted.
Seconded by Joseph Zawatski
Voice Vote: Ayes Unanimous
Motion Passes 7/0

PLANNING COMMISSION

Public Portion opened at 7:28 P.M.

Robert Kowalsky, 2585 Timberline

1133.04 – why is that changed to 'dwellings'?

1137.06 – is expanded. Numbers 7 & 8, A&B are the expansion of the definition. What are the buildings and the 'adjoining' thing?

Chairman asked that any questions be submitted in writing so that they can be researched

(Wyss) There was a typo in the 2006 Zoning Code in section 1133 which we corrected. Building and Dwelling are different definitions and they mean different things. Everything was changed to 'dwelling'. The 2000 feet was already in the Code. It has not changed since 2006. It is a building block.

Public Portion closed at 7:34 P.M.

1. Janet M. Walsh

Contractor: N/A

**2536 Kennelly Dr. –Lot Split and Consolidation - PPN: 31-A-010-I-00-004-0 and
31-A-010-F-00-013-0**

Plans stamped received in Building Department 7/3/14

Plans reviewed by Building Department on 7/8/14

Plans received in Engineering Department 7/3/14

Plans reviewed by City Engineer on 7/8/14

Present: Mike Tobin, Janet Walsh and Colleen Walsh

Owner/Representative Comments:

The Walshes owns 2.4 acres which I would like to purchase because it is connected to my property. They want to keep 0.157 acres which will remain connected to their property.

City Engineer's Comments (Collins):

Email dated July 8, 2014 from Asst. City Engineer Collins re: Lot Split & Consolidation for Red Fox Pass and 2536 Kennelly Dr. with review enclosed.
(Schryer) It has been approved by City Engineer.

Board Comments

(Lillich) I do not have a problem with the split but it does create an odd shaped lot. *(Tobin) It will make it more of a rectangular shape. This takes it back to the way it was originally.* I hope it does not cause problems with future ownership.

(Colleen Walsh) The way it is landscaped, it has a much more natural flow with our house property and the ravine. It means a lot to my family.

MOTION: John Plecnik moved to approve the plans for the Lot Split and Consolidation at 2536 Kennelly Dr. as submitted,
Seconded by Christopher Smith
Voice Vote: Ayes Unanimous
Motion Passes 6/0

2. Bhavesh Patel / Niyati Enterprises
Contractor: TBD

2801 Bishop Rd. – Dunkin Donuts / Commercial Food Service - PPN: 31-A-008-D-00-026-0
Plans stamped received in Building Department 7/3/14
Plans reviewed by Building Department

Present: Bruce Sekanick (Phillip Sekanick, Architects), Heidi DeMark (Phillip Sekanick, Architects) and Bobby Patel (Dunkin Donuts)

Owner/Representative Comments:

- Update plans distributed
- The main change from what was given to you in the past is the elimination of the canopy over the drive-thru because it did encroach. It will be an awning rather than a hard structure. Other than that, everything is the same.
- The last page of the plan set shows the Right In-Right Out access. The building is just over 2000 square feet. The site is 0.660 acres. We have worked with Engineering to make this building work on the site.
- Based on the letter from Mr. DiFranco, we have the issue that we were not able to get 10 feet on either side of the building for the parking set back. We need to address that issue.
- We are trying to meet the ODOT standards for the Access and for the lot coverage areas. We have used pervious pavers there.
- We have included landscaping with trees.
- The color rendition provided today is the Dunkin Donuts standard that we will use.

City Engineer's Comments (DiFranco):

Email dated July 10, 2014 from City Engineer DiFranco re: Preliminary Plan Review - Dunkin Donuts – 2801 Bishop Rd with review enclosed.

Building Commissioner's Comments (Wyss)

Review of the variance issue

- Item #4 Lot Coverage: Hardscape, by Code, is 60% and 40%. They are down to 62% and 38% when you include the pervious pavers as substitution for green space. Planning Commission would handle this under the Equivalency Rule.
- Item #5 on Mr. DiFranco's original review was the building canopy over the drive-thru which they solved. That setback is in compliance. No variance will be required.
- Item #6 on Mr. DiFranco's original review was the minimum parking setback. That has been reduced from the 2 feet to 5 feet. The City Engineer has stated that he is satisfied with it from the Engineering perspective. Mr., Wyss stated that once the rest of Bishop Road was developed, Planning Commission could request that all of the commercial properties have shared parking. The setback issue is not in compliance. Planning Commission can review that.
- Parking Setback in the Right of Way has been made compliant with the 30-foot requirement of the Code. No variance will be required.
- Parking Lot Layout and Circulation: The architect provided proper clearance using 60 degree angled parking. They have complied with the plan that the City Engineer supplied to them.
- Item #16 deals with requirements stated in Conditional Use for a Drive Thru. After conversation with the Law Director Lobe, we concluded that there are no standards in the Zoning Code that are more important than others. Planning Commission could determine whether this fulfills Section 1111.15 Equivalency. The advantage of Equivalency is that is not a variance. There is no deed restriction that would have to be undone if Dunkin Donuts goes away. If Dunkin Donuts goes away, everything that is approved goes away with it.

Board Comments

(Schryer) The Board still needs to review Conditional Use.

(Wyss) The other two items listed by Mr. DiFranco need to be considered. Those are the size of the lot and the width of the lot. The size is 103 feet but the standard is 125 feet. We recognize that this particular lot was decreased when Chardon Road was widened. My memo includes the actual items to be considered under Conditional Use. Their plan does not include anything contrary to Conditional Use.

(Schryer) Those two items are in Mr. DiFranco's last memo dated July 10, 2014. They are in Conditional Use which is part of Planning Commission. The Board will need to review Conditional Use for the Drive Thru. Tonight we continue Preliminary Plan review. Notice of a Conditional Use meeting will be sent to residents within 500 feet of the property.

(Smith) You are doing pervious pavers, not pervious pavement? *Right, in the rear parking lot, there will be 1100 square feet of that.* You are familiar with maintenance of pervious pavers? *Yes, that is why we have limited to certain areas of the parking area.*

(Lillich) These lots were created long before there was a City of Willoughby Hills, during the time that this was Willoughby Township

They were residential at that time. Had they remained residential, they would be 'grandfathered' in with no discussion. Zoning was changed. We want commercial businesses there. The lots were small to begin with. Greater problems came with the City's actions. Mr. Patel has been great to work with. I think we are on the right track. Conditional Use issues are not a problem.

(Smith) How do we move forward?(Schryer) Tonight we can pass the Preliminary Plan. They have met everything required on Mr. DiFranco's review for Preliminary. We will send out notification of

Conditional Use Hearing, get more input from the public and vote on it. After that, we will have Final Review.

MOTION: John Lillich moved to approve the Preliminary Plan for the Commercial Food Service/
Dunkin Donuts at 2801 Bishop Rd. as submitted,
Seconded by Joseph Zawatski
Voice Vote: Ayes Unanimous
Motion Passes 6/0

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

- Work is being done on the Police driveway. Grindings are off White Road. This will be the exit for the Police Department.
- The lot on Fowler Drive which was the site of the old package plant for Fowler Drive was recently excavated for the basement of a new home being built by ProBuilt. The package plan was never abandoned or removed in 2005 when interceptor went in and the sewer tie-in was supposed to take place. It was just covered up. Someone needs to remove it. We are still investigating.

COUNCIL REPRESENTATIVE'S REPORT

The proposed Zoning amendments that were referred by PCABR to Council were all passed, except one. The last one dealing with mailboxes and numbering was tabled by Rules and Regulations for further consideration. It will likely go through one or more committees to be 'fleshed out' some more. (Schryer) Per my conversation with Chairman Fellows, they need to write their suggestions and send the suggestions with their amended Zoning amendment back to PCABR, if they so desire.

BUILDING COMMISSIONER'S REPORT

- American Heritage is continuing to work on their building. Their plan for the monument sign will be at the August meeting.
- Clover is continuing to work. Many residents have inquired about apartment in Clover for themselves or a relative. They build the building in stages. Sample apartments will be ready ahead of time. Sales office will be opened at that time.

CHAIRMAN'S REPORT

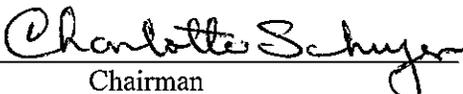
None

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

Adjourned at 8:04 P.M.



Clerk



Chairman

Date Approved 8/7/14