

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

Sept 5, 2013

CALL TO ORDER: 7:00 pm

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

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

Welcome to Mr. Christopher Smith. He is an architect. He will sit with the Board and then, when there is an opening on the Board, he will fill that position. Mr. Smith provided a brief personal introduction.

We would like to add an addition at 2645 Dodd Road to the Agenda tonight in the first position under Architectural Board of Review.

MOTION: John Lillich moved to add the addition at 2645 Dodd Road to the Agenda for this evening.
Seconded by Joe Zawatski
Roll call: Unanimous
Motion Passes 7/0

There will be a Public Portion in Architectural Board of Review for the addition at 2645 Dodd Road. We will have a separate second Public Portion for Clover Construction and the Senior Congregate Care

Correspondence:

- Memo dated 8/29/13 from City Engineer Pietro DiFranco Re: Updated Review for Clover Congregate Care Facility
- Memo dated 8/20/13 from City Engineer Pietro DiFranco Re: Review for Clover Congregate Care Facility
- Memo dated 8/29/13 from City Engineer Pietro DiFranco Re: Review for Lot Plat Split, 37050 Skyline Drive
- Memo dated 8/30/13 from Building Commissioner Fred Wyss Re: Lot Split Plat, 37050 Skyline Drive
- Letter dated 8/21/13 from Donna Kautz Re: 35100 Chardon Road – Clover Development
- Letter dated 8/21/13 from Willoughby Hills BZA Re: Case 2013-2 for 2568 Dodd Road.
- Letter dated 8/21/13 from Willoughby Hills BZA Re: Case 2013-3 for 2691 Graylock Drive.

Disposition of Minutes

Meeting of August 15, 2013

MOTION: David Fiebig moved to approve the Minutes of August 15, 2013 as presented.
Seconded by Mayor Weger
Roll call: Unanimous
Motion Passes 7/0

ARCHITECTURAL BOARD OF REVIEW

Public Portion for the Addition at 2645 Dodd Road opened at 7:04 pm.

No public input.

Public Portion closed at 7:04 pm.

1. Michael Pechura

Contractor: Paglia Homes

2645 Dodd Road –Addition - 31-A-009-F-00-001-0

Plans stamped received by Building Department 8-14-13

Plans stamped reviewed by Building Department 8-19-13

Present: John Paglia (builder), representing the owner, Michael Pechura

Owner/Representative Comments:

- The owner wants to add a sunroom onto the rear of his existing home. Below the sunroom there will be a basement. There will be a hallway leading to the existing house from the sunroom. In the hallway there will be a powder room and stairs leading to the basement.
- The existing breezeway between the garage and existing house will be renovated.
- He will have Natural Gas brought in to the house. The old oil burner/ HVAC system will be replaced with natural gas.
- The entire painted wood existing house will be sided with White vinyl siding to match the addition. Existing shingles on house are black. They will be replaced with black, 30-year dimensional shingles by Landmark. Color scheme for the house will be black and white. Building samples were shown.
- Photos showing a side view and view of the rear of the house were distributed to the Board. (Wyss) When the architect submitted the plans, he had to make a change structurally to meet the new Code. The Braced Wall requirements of Chapter 6 of the Residential Code of Ohio would not allow the narrow walls in the rear elevation. They must be a portal framed structure minimally. Therefore, the wall needs to be at least 16 inches to meet the Code with the portal frame design. At my suggestion, they will make it 18 inches to meet the requirement for that particular wall. The window widths on the rear elevation will need to be adjusted to allow the wall corner.

City Engineer's Comments:

No Comments

Board Comments

(Smith) Which side of Dodd Road is the house on? *Mr. Lillich provided the information.*

(Schryer) Is the trim and decorative rake board all white? What about the windows? *They are wood on the inside and vinyl-clad on the outside.* There is a small diagram near the Front door and steps. Are changes planned? *So far, we just plan to replace the existing siding on the outside.*

(Lillich) The plans on A-3 show the existing garage door as a panel door. *I have never seen the garage door closed. I will check on that.*

(Schryer) Do both of the foundations match? They look like block. *The existing foundation is block and the addition will be block. The architect noted that it would be painted to match.*

(Fiebig)The masthead for the electrical service to the existing garage looks like it is running through the roof. It looks like the meter is on the outside. *The electric is connected to the front left corner of the garage. It comes in overhead and drops down into the garage where there are two panels in the garage. If they ever had to replace the masthead, they would need to rip off the roof. Our electrician's proposal includes taking the existing mast off, replacing it and replacing the old glass fuses with upgraded panels, two in the garage and two in the breezeway. Is this a main service or an auxiliary service? The main service is in the existing garage in the front left corner.*

(Schryer) By Code, the ridge vent should go all the way to the end. The drawings show that they are short. *We run them end to end. I will make a note to be sure they are run end to end.*

MOTION: David Fiebig moved to approve the proposed Addition at 2645 Dodd Road as submitted.
Seconded by Mayor Weger

Discussion

(Lillich) How do we verify whether the garage door is a raised panel? (Paglia) *It is an existing door. It is not part of the addition.*

Voice Vote: Ayes Unanimous
Motion Passes 7/0

Public Portion for Clover Construction and the Senior Congregate Care Facility

Public Portion opened at 7:22 pm.

Donna Kautz, 34905 Dixon

I sent a letter regarding an important legal issue to people on the Board but do not see it acknowledged in the Agenda. (Schryer) *When I started the meeting today, I should have also added the correspondence to the Agenda. We all have a copy of the letter and we all have read it.*

What is the next Step? The Ohio Legislative Code for a Congregate Care Facility is not the same as Clover's apartment. Which takes definition takes precedence, Willoughby Hills or the Ohio Legislative Code? (Schryer)*The definition in our Code takes precedence. We will read that definition after your comments.*

I searched long in law libraries and other sources to get a legal definition. This is the only definition I could find. I think that people coming from out of state might have the same definition in their minds for 'congregate care.' I do not think that the Willoughby Hills definition fits the definition for 'congregate care apartment.' Facilities in other states have the same items that this apartment has and none are called 'congregate care.' I am confused about why they [Clover] are calling it 'congregate care'

Public Portion for Clover Construction and Senior Congregate Care Facility closed at 7:25 pm.

The Building Commissioner, Fred Wyss stated that whenever we have a question about the Zoning Code, we are told to 'go to the definition.' The definition for 'congregate care facility' is Number 40 in Chapter 1103.02 of the Zoning Code of the City of Willoughby Hills as voted upon in 2006 by the people, along with the Zoning Map in 2006.

The definition for a 'congregate care facility' is "*a residential facility that provides for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or*

rooms designed specifically for the elderly or handicapped. It may have common social, recreation, dining and/or food preparation facilities. ”

Black’s Law Dictionary for ‘shall’ is emphatic. Black’s Law Dictionary for ‘may’ is not emphatic. It is a generality that can be included or not included

The Congregate Care Facility for review tonight has all of those as well. *"The facility may be for independent living", which the one we are reviewing tonight is, "or it may provide residents with a range of personal and medical assistance including skilled nursing care. This term includes an assisted living facility" as an addition, not as emphatic ‘shall include’*

2. Chagrin North V Limited

Contractor: Clover Construction

35100 Chardon Road, #100 – Senior Congregate Care - 31-A-004-0-00-025-0 (024-0)

Final Review

Plans stamped received by Building Department 8-19-13

Present: Chuck Szucs (Polaris Engineering, Willoughby Hills) representing Lon Marino (Clover Construction)

Owner/Representative Comments:

Building

- Architectural rendering of facilities and samples of the intended materials were shown.
- At the last meeting we were pretty close. We did not have official names or materials submitted. Mr. Marino dropped those samples off at the Building Department in advance of this meeting.
- Shingles will be Harvard slate by Cambridge IKO
- There are two colors for the siding: Upper siding will be Tuscan clay. Lower siding will be Vintage Wicker.
- Material in the peaks will be vinyl shake in the Tuscan Clay color.
- Stonework is Boreal stone.
- Shutters will be Wedgewood Blue

City Engineer’s Comments:

No Comments

Board Comments:

(Lillich) Plans show the access door is in the back of the garage. It goes into a storage area. The garage doors are in the front but there is no access through the garage to the storage area. Is that correct?

(Wyss) It is correct. When we viewed the actual facility in Erie, Pennsylvania, we saw that it is a storage unit that can be rented separate from the garage. Many times the residents rent the garage as a storage unit and leave their cars outside. They have 9 garages and 9 storage units for a total of 18 rentable units.

(Schryer) What do people walk on behind the garages? *There is a sidewalk.*

(Schryer) The graphic shows the number of one-bedroom units in turquoise and the two-bedroom units in orange. There are not many one-bedroom units.

(Smith) That applies to all three floors? (Wyss) The numbers are different because of the size or number of public facilities on each floor. The first floor has a very large community room with a full kitchen. The second floor has the kitchen/ family room and salon. The library, living room and

exercise rooms are on the third floor. (Smith) Laundry facilities on each floor? Yes, there is a laundry in each wing on all three floors.

(Smith) Is the vinyl siding extruded to size or does it come in standard strips. Some places have seams in the middle of a wall that buckle at different rates.

(Wyss) The problem with vinyl siding is usually the installation. The new Residential Building Code of Ohio has specific nailing pattern requirements for installers. Specific lengths of nails need to get into the studs. Siding is always 20-foot lengths.

(Fiebig) Have all the comments from the City Engineer been satisfied? (Schryer) Those items will be covered in Planning Commission.

MOTION: John Lillich moved to accept the architectural design for the Senior Congregate Care Facility and garages at 35100 Chardon Road, #100. It is the determination of the Board that the height of the building is granted under the Equivalency Provision 1111.15 in the Codified Zoning Code of Willoughby Hills
Seconded by Mayor Weger
Voice Vote: Ayes Unanimous
Motion Passes 7/0

PLANNING COMMISSION

Public Portion

Opened at 7:42 p.m.

No public input.

Public Portion closed at 7:42 pm.

1. Chagrin North V Limited

Contractor: Clover Construction

35100 Chardon Road, #100 – Senior Congregate Care - 31-A-004-0-00-025-0 (024-0)

Final Review

Plans stamped received by Building Department 8-19-13

Present: Chuck Szucs (Polaris Engineering) representing Lon Marino (Clover Construction)

Owner/Representative Comments:

Landscape Plan: After the last meeting, Don Marino hired a Landscape Architect. Results are shown on LP-1 and LP-2.

(Schryer) We have gone over the landscape plans pretty thoroughly at previous meetings. Are there any questions about those plans?

(Smith) Trees in the parking lot soften and break up lines. I am happy to see that. There is nothing as cold as a sea of asphalt.

(Schryer) Since there are not questions about the landscaping, we will move on.

Lighting Plan:

At the last meeting the Illumination study was not done. It is now completed. The memorandum details the lights along Chardon Road.

(Szucs) Mr. Marino submitted a description of the lights.

(Schryer) They are here. (Documents circulated to the Board.)

Sign:

(Wyss) Mr. Marino was not able to submit information on the sign for this meeting. They plan a lighted sign at the Chardon Road entrance. He plans to return to the Board for separate sign approval.

Site Plan

Very few changes were needed because at the last meeting we had most everything done. Calculations were submitted for the Detention area. We went through the 11 items in the Engineer's Memorandum. Those have been discussed.

City Engineer's Comments:

We have been working with the applicant and his consultants since the Preliminary Approval to address several issues. I think we have done that. The Engineering Department recommends Final Approval contingent on the following comments:

- Final Drawings need to be submitted for permit to several county agencies as well as the City.
- A Lot Consolidation plat prepared by a licensed surveyor needs to be prepared and submitted.
- A stand-alone Stormwater Pollution Prevention plan needs to be provided in accordance with Codified Ordinance 1367 and current EPA standards.
- Per conversations with the applicant, they plan to keep trash contained in the building. Therefore, they will not have an exterior dumpster. If they did have an exterior dumpster, it would need to be screened and enclosed with landscaping and a fence.
- The applicant is working with the Law Department to finalize a Deed Restriction that will allow this project to only be used for Senior Living and a congregate care facility.
- The applicant is coordinating with the Catholic Diocese regarding construction of a sidewalk from their property to St. Noel. Negotiations continue. Sidewalk is dependent on the Catholic Diocese giving approval.
- The applicant requested relief from my initial requirement for a concrete drive apron. I support that request because the apron I was referencing is not adjacent to a public right-of-way. Therefore, I do not think that the apron is necessary in that circumstance.
- Initially, I required concrete curbs around the entire parking area. The applicant request relief which I support. The whole parking area drains to the interior of the site. Curbs are not necessary to contain drainage on the site.
- Applicant needs to provide a detailed construction estimate in accordance with Codified Ordinance 1125. They will do that after all the drawings are complete.
- The applicant needs to provide a Performance Guarantee for landscaping in accordance with Ordinance 1155.
- There is existing lighting along the drive and Chardon Road; the light poles are located adjacent properties. They are not controlled by this project. Therefore, the applicant will install three additional light poles that will provide light at night and on weekends when the adjacent properties are closed for business.

These 11 comments are documented in Mr. DiFranco's Memorandum of August 29, 2013

(Fiebig) Which drive are you referring to? *The one that goes to Chardon Road.*

(Lillich) On the Landscape plan (LP-2), there is a trash enclosure at the end of the garage with landscaping. *(Szucs) You have an earlier plan. The Landscape Plan dated July 29, 2013 does not have the trash enclosure.*

Board Comments

There were no additional questions or comments.

(Schryer) In the motion, we need to include Mr. DiFranco's Memorandum.

MOTION: John Lillich moved to approve the Site Plan for the Senior Congregate Care Facility at 35100 Chardon Road, #100, contingent upon satisfaction of the items cited in the City Engineer's Memorandum dated August 29, 2013
Seconded by Joe Zawatski
Voice Vote: Ayes Unanimous
Motion Passes 7/0

2. Dean G. Shumaker Trust

Contractor: n/a

37050 Skyline Drive. – Lot Split – PPN: 31-A-009-H-00-002-0

Plans stamped received by Building Department 8-23-13

Plans reviewed Building Commissioner 8-30-13

Present: Keith and Sandy Thompson, Laura and Bill Von Benken

Owner/Representative Comments:

- Sandy Thompson and Laura Von Benken are Dean Shumaker's daughters. They are sisters.
- The original Property was part of the Dean G. Shumaker Trust. He passed away.
- Part of the Trust agreement is that Sandy gets the house and two acres.
- Laura and Bill live on Chardon Road. Laura gets the portion adjacent to their property. It is the southern end of the lot off of Route 6. That portion of Shumaker's property will be combined with their [Von Benken] property. [That area was clarified on the map/plan by the Chairman]
- There is no intent to develop the property.
- An easement is being set up to allow Howard Ward to build a house. Since that property is now going with the house, I assume the easement will no longer exist. [Location indicated on plan.] (Wyss) It is unnecessary. In order for it to 'disappear,' another consolidation plat needs to be done that removes it. Question for the City Engineer, should we require an additional mylar for the consolidation
- We moved to Willoughby Hills in 1962. We are happy to keep the property in the family. We hope that someone in the family will continue to live on these properties.

City Engineer's Comments:

- In the Memorandum dated August 30, there were several comments that revolved around consolidating those parcels.
- Parcel B is within the Chardon Road Right-of-Way. I spoke with the surveyor today. The lots will be consolidated administratively at the County. Therefore, an additional mylar to do that is not necessary.
- Part of the property is within the Euclid-Chardon Right of Way. It is a unique situation. When ODOT acquired that portion, they got a perpetual easement, rather than purchasing it from the property owner. It is shown correctly. It is still owned by the property owner but ODOT has perpetual rights to it.
- I asked the surveyor to add a note stating that the two properties would be consolidated administratively at the County so it is on the record in case there are inquiries in the future. He indicated that there would be no problem.

Board Comments

(Lillich) You answered all of my questions.

MOTION: John Lillich moved to approve the Lot Split and Consolidation at 37050 Skyline Drive.

Seconded by Madeline Smith

Voice Vote: Ayes Unanimous

Motion Passes 7/0

Additional Discussion:

(Family) When can you sign off on the mylar copy?

(Schryer) I cannot sign it until Mr. DiFranco has approved everything. You can bring it to the Building Department for Mr. DiFranco.

(Wyss) Did the surveyor say that he was going to prepare a new mylar?

(DiFranco) He said he would include a note. Did he already do this?

(Family) I do not believe so. He gave us a note in a typed form in an email that we got. Does that qualify?

(DiFranco) No, it needs to be on the mylar. He can tape it on or write it on.

(Wyss) Once we have all the signatures, you get it at the Building Department. Then you can take it back to the county. Correct me if I am wrong in your discussion, the county will be satisfied to accept the plat and the copy of the mylar. We just don't want to confuse you on the 'Legals' and the plat. Our code requires the mylar. They are fine with accepting that. *(Family) Okay.*

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

- O'Reilly Auto Parts will be opening in two weeks. They are doing their finishing touches and stocking the shelves.
- The Buckeye Charity Gambling will be shut down on September 7th this week. The Attorney General ordered it shut down.
- We attended a meeting at the Stratford Place Condominiums. They just erected a fence between the condominiums and Willoughby Hills Towers. They are very happy with it. That fence should mirror the fence that will be put up along the O'Reilly development.

COUNCIL REPRESENTATIVE'S REPORT

None

BUILDING COMMISSIONER'S REPORT

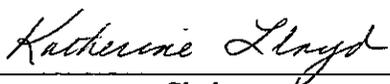
Thank you for the approval tonight. This brings another dynamic of what development can do. Polaris Engineering is located here in Willoughby Hills. Clover has named them as the engineers for any future developments that they do in the state of Ohio.

CHAIRMAN'S REPORT

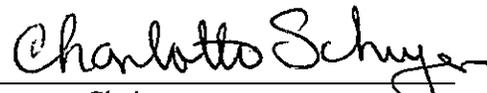
None

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

Adjourned at 8:14 pm.



Clerk



Chairman

Date Approved 9/19/13