

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio
December 4, 2008

CALL TO ORDER: 7:02 P.M.

PRESENT: Chairman Charlotte Schryer, Council Representative David Fiebig,
Madeleine Smith and John Lillich

ABSENT: Vice Chairman James Michalski and Mayor Robert Weger

ALSO PRESENT: BZA Representative Frank Cihula and Clerk Katherine Lloyd

MOTION: John Lillich moved to excuse the absence of James Michalski
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

MOTION: John Lillich moved to excuse the absence of Mayor Weger
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

Frank Cihula suggested a correction to the November 20, 2008 minutes.

Disposition of Minutes: Meeting of November 20, 2008

MOTION: John Lillich moved to accept the minutes of November 6, 2008 as corrected.
Seconded by Madeleine Smith

Discussion:

(Fiebig) I was not present at the meeting. David Reichelt assured me that there were no issues.

Roll Call: Ayes Unanimous
Motion Passes

ARCHITECTURAL BOARD OF REVIEW: No Projects Scheduled

Public Portion

Public Portion opened at 7:07 P.M.

None

Public Portion closed at 7:07 P.M.

PLANNING & ZONING COMMISSION: No Projects Scheduled

Public Portion opened at 7:08 P.M.

Frank Cihula, 35060 Dixon Road, Willoughby Hills

The Agenda lists a vote on proposed zoning changes that will be sent to Council for review. I would like the proposed change to the Definition of Lot Size to be sent Council also. This matter has been discussed by the PC/ABR in the past. This is a matter that the BZA recommends. Council does have a copy distributed by the Council clerk.

(Schryer) We will discuss this further under Unfinished Business

Public Portion closed at 7:09 P.M.

MASTER PLAN REVIEW

(and Any Other Pertinent Business)

(Schryer) We have gone through Chapters 1 and 2 [of the 2003 Master Plan]. Once the updates, changes and edits are done on Chapters 1 and 2, those chapters will be sent to the Board. We are now up to Chapter 3 Key Issues and Chapter 4 Goals and Objectives.

Chapter 3: Key Issues

(Schryer) These were the CAC recommendations. Most of the issues have been accomplished. Some of the issues would roll over into the reformulated Goals and Objectives. This page is out of date. Depending on the definition of ‘key issues’, they are addressed in Goals & Objectives’. I would like a consensus to eliminate the ‘Key Issues’ chapter.

(Lillich) If there were new key issues, we could keep it.

(Fiebig) I agree. This page is redundant. It is out of date at this time.

(Smith) These will be key issues in the future. As long as they are addressed somewhere else, there is no reason to keep it.

(Schryer) It is duplicated in ‘Goals and Objectives’. We should determine what our current key issues are. I will send out a ‘homework’ email to the Board about this.

Chapter 4: Goals and Objectives

- Section E Defensible Zoning Regulations

(Fiebig) Is it proposed to be stricken? It is important to keep something like this as a goal in the Master Plan, because we are defending [the city’s] right to zone.

(Schryer) We have already created a comprehensive zoning code and land use plan that is more defensible.

(Lillich) How often should it be reviewed and updated? I think our goal should be to maintain defensible zoning regulations.

(Schryer) We are reviewing the Plan and the Map again during Master Plan Review

- Section A Residential Character

(Lillich) It expresses a philosophy.

(Smith) Does Paragraph 2 under A mean that someone with a three-quarter acre lot could petition to put up a house if the existing zoning is for one acre?

(Lillich) That lot may be grandfathered. This allows for conservation development. Sometimes ‘normal’ development is not feasible because of wetlands or topography. This is addressed later in the Master Plan.

- Section C2 Sense of Community

(Lillich) This would relate to development of bike paths.

(Schryer) We can specifically address this later in the Master Plan

Chapter 5: Development Policies

The next Master Plan review meeting will be in January, 2009.

Everyone needs to read through this section and make notations for discussion and possible change.

Public Portion for Master Plan Review opened at 7:31 P.M.

Frank Cihula, 35060 Dixon Road, Willoughby Hills

If Chapter 3 was re-written, Chapter 4 will be saying the same thing.

Public Portion for Master Plan Review closed at 7:31 P.M.

PRESERVATION OF NATURAL FEATURES / TIMBERING

We have been working on this for a while. We have had invited speakers. There have been meetings with the City Law Director about how to put this issue together and whether the Preservation of Forest Land should be separated from Timbering and Harvesting. It is his opinion that it should be included in one. Mr. Michalski wrote up this marked up draft. Included in it are his suggestions, additional definitions and the addition of 1165.04 The Requirement for Preservation of Forested Land during Land Development. Everything in here seems to be procedural about how it matches up with the zoning code and how it cross references within this document. If we could have consensus about whether this is going in the right direction, the copy can be cleaned up and we can consult again with Lake County Soil and Water They worked with the PC/ABR for about a year in the past, especially for tree harvesting.

One of Mr. Michalski's questions is whether a one acre lot should be totally exempted from having to file a development plan. A new one acre lot development is required to provide a plan for drainage, run-off and impact on the neighbors and other issues that the code already checks.

(Lillich) By the time the buildings (house, garage, utility) and septic (if necessary) are put in, there is not much room for anything else. Do we need to mention it, if it is covered every where else? The issue might be moot.

Schryer) If it is exempted in this ordinance, does it mess up other areas that are required?

(Fiebig) What is driving this?

(Schryer) This section was left out when the new code was adopted. That committee always intended to go back and put it in. There was also no regulation for timber and harvesting, but there are areas in the city to which this would apply. This section would require a development plan that would also protect the neighbors.

(Lillich) The previous code was extremely restrictive, even for a one acre lot.

(Schryer) Everyone needs to read this through and make notations so we can discuss it at the next meeting

Public Portion opened for Preservation of Natural Features / Timbering at 7:44 P.M.

Frank Cihula, 35060 Dixon Road, Willoughby Hills

Under 1165.01 Purpose

- I would suggest inserting the word 'hereby' between 'regulation is' and 'adopted' on the second line of the first paragraph.
- Under (a) (4), the word 'other' should not be crossed out. That would separate birds from wildlife. The definition of 'Definition' on page 2 needs to be looked at. Silviculture has been defined.

John Klemens, 2550 Dodd Road, Willoughby Hills

I do not agree with the document from the Natural Resource Management standpoint. The purpose is good but the methodology does not work. There are definitions that are not industry standard definitions and will not work for other agencies unless they have read this document. Lake County Soil and Water will be able to help standardize them. The stated purposes are in conflict in the text. The city needs to rely heavily on its environmental advisors especially if there continue to be more environment issues. Under 1165.05 Exemptions, section E, F and G defeat the stated intention. In biological systems, you need a critical mass of wooded area for good management of woods. In the Timber Harvest part, some of the definitions need to be reviewed. Management of woods needs to be looked at in 80 year view. It has implications for the one acre owner as well as the big lot owner. If there are any other discussions and changes, please contact me.

Public Portion for Preservation of Natural Features / Timbering closed at 8:00 P.M.

Unfinished Business

Proposed Change to Zoning Code 1133.11

(Cihula) Under section (4), the wording might be better changed from ‘sale of [] vehicles is *permitted*’ to ‘sale of [] vehicles is *prohibited, except under the following conditions:*’ and then continue listing the conditions. Standard wording is to restrict and then list what is allowed. That way, loopholes cannot be pulled out of the rest of the text

(Lillich) We should stick with the standard.

MOTION: John Lillich moved to forward the proposed Change to Zoning Code 1133.11 Routine Sale of Vehicles to City Council for their consideration and to include the wording correction made this evening
Seconded by Madeleine Smith

Discussion:

(Fiebig) I would like to hear in review the wording that is being included. The change tonight is that the sale of vehicles is ‘prohibited except under the following restrictions’?

(Lillich) Correct.

(Fiebig) I will agree to send this to Council but as a Councilman I feel it is too restrictive.

Roll Call: Ayes Unanimous
Motion Passes

Proposed Change to Zoning Code 1133.10 Permitted Accessory Structures in Front, Side and Rear Setback: Proposed Change to Accessory Building Size

MOTION: John Lillich moved to that the proposed Change to Zoning Code 1133.10 be sent to Council for their considerations
Seconded by Madeleine Smith

Discussion:

(Fiebig) We have received emails objecting to this ordinance about the change in accessory building size. I can support sending it to Council for consideration.

(Smith) What is the objection?

(Fiebig) There were numerous objections to increase in size, but the largest issue seems to be how it may allow businesses to be run in residential areas.

(Lillich) No one came to the Public Hearing.

(Cihula) This originally was 600 feet per 1 ½ acres at a request from a previous mayor. The BZA requested that it be lowered to 600 feet per 1 acre. That cut the accessory size appeals down considerably.

Roll Call: Ayes Unanimous
Motion Passes

Proposed Lot Size Change

I feel it needs further review by the Law Director and more research on the issue. Everyone on Council has already received this.

New Business: None

Mayor’s Report: None

Council Representative's Report: None

Building Commissioner's Report: None

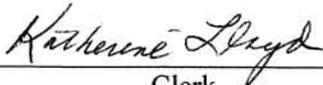
Chairman's Report

1. David Reichelt sent a notice regarding the City Website. There is now a search box down in the corner in the where you can search for anything, including PDFs.
2. Friday afternoon there is an online seminar on Wind Power that is part of the OPC Conference. Kris plans to video tape it. Afterward the power point and hopefully the video tape will be available. You can register for it through the OPC website link. In January we could have our meeting at the Community Center and also have a viewing about Wind Power.

Adjournment

MOTION: John Lillich moved to adjourn
Seconded by Madeleine Smith
Voice vote: Ayes unanimous
Motion passes

Meeting adjourned at 8:26 P.M.



Clerk



Chairman

