

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

February 5, 2009

CALL TO ORDER: 7:03 P.M.

Welcome to the new Board member, John Davis. He was sworn in on Tuesday, February 3, 2009.

PRESENT: Chairman Charlotte Schryer, Mayor Robert Weger, Council Representative David Reichelt, John Lillich, Madeleine Smith and John Davis

ABSENT: Vice Chairman James Michalski

ALSO PRESENT: Building Commissioner Fred Wyss, BZA Representative Frank Cihula, Assistant City Engineer John Topolski, City Architect William Gallagher and Clerk Katherine Lloyd

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

Correspondence

- Letter from the Ohio EPA dated January 28, 2009 re: Water Quality Projects
- Emails from Mr. Beach, First Energy dated November 7, 2008 to Fred Wyss and from Fred Wyss to Mr. Beach, First Energy dated 1/29/09

Disposition of Minutes: Meeting of Meeting of January 15, 2009

MOTION: John Lillich moved to accept the Minutes of January 15, 2009 as submitted.
Seconded by Madeleine Smith
Roll Call: 5 Ayes and 1 Abstention (John Davis)
Motion Passes

ARCHITECTURAL BOARD OF REVIEW

Public Portion

Public Portion opened at 7:06 P.M.

None

Public Portion closed at 7:06 P.M.

ARCHITECTURAL BOARD OF REVIEW

1. Loreto Development Co.
Contractor: Boyer Signs & Graphics, Inc.
34500 Chardon Road - Install 1 Ground Sign– PPN: 31-A- 006-D-00-001-0
Plans stamped received in Building Department 1/16/09
Plans stamped approved by Building Department 1/16/09
Present: Rob Milburn with Boyer Signs & Graphics

Owner/Representative Comments

- We proposed to install a sign at Plaza VIII at Chardon Road and Rt. 91. It is in placement in a 5-foot setback as required. This sign will be the same as previous signs we have installed for Loretto except for the wording. The total size is 30.25 square feet.
- It will be black and red with white plexi so it will match the other signs.

Architectural Comments

- It is critical that the sign match the others. I have no comments about the physical sign.
- We request that the landscaping plan in the island area around the sign be appropriate in size and scale.

Board Comments:

(Lillich) The sign is in keeping with everything else. We do require landscaping around bases where it is possible.

(Reichelt) Is this the only sign that will be required or will there be other signage on the building? *I don't know the building plans.*

MOTION: John Lillich moved to approve the sign as submitted with the stipulation of landscaping around the base.
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

2. Gregg Dellis

Contractor: Capitol Contractors, Inc.

30700 Kourtney Court – New Garage - PPN: 31-A-005-H-00-026-0

Plans stamped received in Building Department 1/22/09

Plans stamped approved by Building Department 1/23/09

Present: Joe Durkoske

Owner/Representative Comments

- We will try to match the house as close as possible. It is set back behind the house. The front will face the cul-de-sac on Kourtney Court
- It is a basic two-car stick-built garage with trusses. Eventually it will have storage in the attic, but not right now. It will have a couple windows, a man-door and a two-car garage door. There will be electric. Eventually he will put heat in it. At this time, no water is planned.

Architectural Comments

- Are there any photographs of the house? *No*
- The drawings show the roof. It looks like the gable going perpendicular to the house line. *Correct.*
- You will match all the building materials, the roof, shingles and siding to the house? *Correct.*
- We request that the foundation match. What is the foundation of the garage? *I believe it is block and brick. The garage may have one course of block. But I was planning a monolithic pour of the footer and the slab at the same time.*

(Wyss) The person who submitted the plans indicated that they would match. He crossed out the monolithic pour option (*Durkoske*) *They did not tell me that.* (Gallagher) On page 6 it shows that.

- We request that the foundation systems match. The drawing shows it a block. Do the best you can.
- What are the materials on the house? *Double board white vinyl siding with black 3-tab dimensional shingles.* Those will match the house throughout? *Yes*

- The garage is very detailed with massive returns. Will that match the house? *Yes, that's what the homeowner wants.* The house is detailed like the garage? *Yes*
- You are putting the attic truss in now? *Yes, but no floor right now.* He will not need to 'beef up' his floors later on? *No*
- We like the windows to be as consistent as possible. There is a slider window on the drawing. Are there sliders on the house? *No. they are double hung. We will match the styles all the way through.*

Board Comments:

(Wyss) The Building Department will require the foundation as shown because the Ohio Building Code will not allow a monolithic pour for a 572 square feet building. 400 square feet is the maximum unless it is specifically engineered by a structural engineer.

(Lillich) You will be adding a concrete pad in front of this from the existing driveway? *Yes*

(Cihula) There was a requirement that there be 15 feet space between the house and garage. *It is about 60 feet away from the house.*

(Wyss) It is not clear on the drawing. The GIS photograph does show how far the existing pavement is. He is adding another 10 feet. *He wants some distance from the house in order to do work out there.*

(Smith) He is not repairing cars? *No*

MOTION: David Reichelt moved to approve the plans as submitted.
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

William Gallagher was dismissed at 7:25 PM

PLANNING COMMISSION

Public Portion

Public Portion Opened 7:25 PM

None

Linda Fulton, 2990 Marcum

In the paper, there was a question about selling vehicles on private property. Does the State Law about not selling more than five vehicles without a car dealership apply to the person on Chardon Road?
Under State law, there is a limit of 5 vehicles per resident that are titled in the name of people living in the house.

Robert Kowalsky, 2585 Timberline Drive

I am concerned about the properties upstream that it might become a wetland rather than a stream that overflows every once in awhile. I am concerned that the land becomes unusable.

Public Portion closed at 7:30 PM

1. **CEI, A First Energy Company**

Contractor: same

32500 Chardon Road – Culvert Stream in CEI Easements – PPN: 31-A-006-0-00-010-0

Protected Area Permit Application received 1/13/09

Fred Wyss, Building Department: In September, 2007, a CEI maintenance crew on the CEI access road, which is an easement on the Eaton property south of Chardon Road, noticed deterioration of the culvert

pipes. The pipes convey Euclid Creek under the access road. The pipes were replaced in kind in October, 2007. The photographs show the project in progress. This past summer the city engineers received a complaint from a resident on Lamplight. Due to the project, he was getting excessive stream flow in his area. During the project, the stream had been by-passed. After the project, the by-pass area was replaced with some stone but it was left low so that if the pipe overflowed or became blocked the water could overflow across that area. That's how the resident got excessive stream flow. Before replacement of the pipes, overflow of the stream used to back up between that area and Rt. 271. As required by the Protective Areas Ordinance, CEI has provided the City with their plans to remedy the situation.

John Topolski, Assistant City Engineer:

We became aware of the problem last summer when Mr. Glinski wrote a letter to the Mayor about the overflow. CEI had repaired the pipes. They dug an overflow channel and left it. We are requiring them to fill the overflow channel back to natural grades so that a high flow heads downstream. The issues are 1) we need a method to remedy blockage by logs and debris and 2) we need maintenance. I suggested that CEI discuss quarterly inspection schedules with the superintendent of grounds at Eaton. It really should be inspected after every rainfall greater than 1 inch in 24 hours. CEI is complying with the Protected Areas Ordinance on this issue. However, we would like them to routinely notify the Service Department when they have crews working in the city right of way.

(Lillich) How will returning the area to grade prevent flooding? *We want them to re-establish what was there. Before, it was a flat area with culverts down below. Before it spread out into the woods but now the water will be directed downstream? Correct. Upstream, there is a culvert under Rt. 271 that turns south toward White Road and vacant land. Lamplight is downstream.*

(Reichelt) So they de-created a retention area by allowing the overflow to occur? *Yes, there are some wetlands back there.*

(Smith) Was there a problem on Lamplight before this and does this exacerbate the problem, or is this new? *There has been a problem on Lamplight. The culvert is undersize; it is okay for a 2-year storm. Sediment and rock may have washed into the channel*

(Schryer) Will this help Lamplight? *The existing conditions helped Lamplight. It should help in the future, because the pipes they installed are smaller which would back the water up into the wetlands. If 2 large pipes had been used, more water would pass through downstream.*

(Cihula) CEI raised the grade when they put down the gravel base for the access road. That caused the property to the west to flood sometimes. The land was originally farmland plowed from east to west, so the sheet drainage was through the furrows. The road blocked it. CEI increased the number of culverts at the city's request. There were no wetlands 60 years ago when I lived there. Any wetlands now were caused by the CEI access road.

(Schryer) They come to the Planning Commission for our approval under the Protected Areas.

(Topolski) *The culvert was replaced. They still need to place stone to bring the channel up to previous grade. They want to get it done as soon as possible, definitely before spring.*

(Lillich) Is there any commercial product that will prevent the debris from clogging the pipes and channel? *Some retention basins have structure attached to the manhole to keep debris out.*

(Wyss) We took the photographs in the summer of 2008. The improvements made in October, 2007 only lasted one season. They are proposing larger pipes set at 30 degree angle to the flow of the river. The most important thing is maintenance. Debris is causing weight against the catches. When the heavy rains came, the flow pushed them over.

(Schryer) Fred's letter has two points that need to be included in any motion.

(Topolski) We need to stipulate installation and maintenance of a debris catcher.

MOTION: John Lillich moved to approve the CEI proposed plans with the stipulation that the plans include commercially or industrially designed debris catchers or trap and a maintenance schedule to keep it clear.
Seconded by John Davis

Discussion:

(Reichelt) Can we require a debris catcher under the Protected Area Ordinance? *Since they had one before, we can require replacement.* It did not work. Is there a best management practice that can guide this issue? We are stating this as our desire. *We will research products available.*

(Reichelt) Did the Protected Area Ordinance help resolve this issue? *Yes*

(Schryer) A copy of the signed Protected Area Permit application is included with the minutes.

**Roll Call: Ayes Unanimous
Motion Passes**

MASTER PLAN REVIEW

We have been working on this since before Christmas. Tonight we are working on Chapters 5 and 6, the Development Policies. Proposed changes are marked in blue, proposed deletions are in red or red strike out and notes are in green. Some of the red may be used depending on what the policies are. Most of the Development Policies in this chapter have been accomplished. Conservation in the city is still desired.

John Topolski was dismissed at 7:58 PM

At this point we need to determine our future development plans and then we can write strategies for them.

Land Use Policy Map 6 in Chapter 5 page 3

- The Mixed Use Retail / Office / Residential on the west side of the city (outlined in pink) has been accomplished. All three districts have been rezoned. If there is anything that needs to be revised, the map marking will need to be changed.
- The Light Industrial Development is located to the south (outlined in purple). Under the new Zoning Code, a new district was added. That section has been accomplished. The map marking would not be left in as a new land use policy.
- Bike / Hike trails (green lines and dots). None have been finished. We would keep them in the map for the future.
- The Mixed Use Retail / Office / Residential on the north side of Rt. 91 (2 areas outlined in Pink) have been accomplished. They were rezoned. There was discussion about use and zoning.
- I-90 / SOM Center Office (blue circle) where Lexus and the office area I was completed and meets Code.
- Cluster Housing (brown)
 - The area on west side of city was accomplished through court order.
 - The other two areas are still a possibility. Do they stay on this policy map?
- City Center / Mixed Use Campus (orange). What dimensions do we want? We never changed the zoning. The map should change to reflect Master Plan strategy. Boundaries need to be defined on the map.
- Areas to maintain, but not expand (red/pink dots) are located along Chardon Road. Those areas have been rezoned

City Center: Discussion included houses that have built in the area, residential properties that are located within the area and boundaries proposed. The Master Plan could include City Center zoning

with design guidelines for development and would include sidewalks, buildings 12 feet from the street. Parking behind the buildings would give it a small town look. Chapter 6 Strategies (page 23) Map 7 shows an expanded view of the City Center. Many of the original strategies proposed in the 2003 Master Plan are still in the Plan. The boundary line would go around Campbell Park and straight down Eddy Road. Chardon Road is already in on the map.

Updating the Maps: D.B. Hartt sent the Land Use Policy Map and the Land Use Map in Adobe Photo Shop format. John Lillich and John Davis have that program. They will work on updating maps 6 and 7. Charlotte Schryer will request Map 7 (pg 23) from D.B. Hartt. The status of everything that has been accomplished plus everything that is envisioned will need to be included on the updated maps.

Bike / Hike trails: The City is working with Willoughby and Eastlake on the Bike trails and funding. Walking trails or sidewalks from the library to Fazio's would be desirable in the future to encourage walking in the area. A bike trail on Rt. 91 would probably be asphalt. Street front walks on Chardon and Eddy would probably need to be cement. Maintenance, grass cutting and method of snow removal need to be considered. The sidewalks on Bishop already need to be cleared. Storm water infrastructure need to be planned.

Editing Process: Madeleine Smith will review and proof read the changes already edited in Chapters 5 and 6 for content. The complete electronic file will be transmitted to David Reichelt and the other Board members for editing and review after Madeleine's review. This will also save color printing and paper. Members could print a copy if they wish. Any proposed changes or comments will be submitted in writing. The 'master copy' is maintained by the clerk. Frank and Madeleine will meet with the clerk to facilitate updating.

Old Garfield School location at River Road and Rt. 6: The property is zoned R-1 single family residential. It is owned by the Willoughby-Eastlake School Board and is still in a reclamation process. There are no sewers or parking lot.

Public Portion for Master Plan Review

Public Portion Opened 8:34 PM

Joyce Grady, 3020 Marcum Blvd.

1) Will the voters get a say on any proposed 'wish lists'? *The wish list goes to Council. If Council agrees with the proposal and decides to implement changes, it would go to the voters.* 2) I moved to Willoughby Hills for the semi-rural atmosphere. I am not in favor of city expansion and a city center like some of the surrounding cities.

Robert Kowalsky, 2585 Timberline Drive

Can I talk about selling vehicles? *This is Master Plan. That question should go to Council.*

Public Portion closed at 8:38 PM

Unfinished Business

None

New Business

None

Mayor's Report

There has been an Initiative Petition circulated across the City to rezone 23 acres off Maple Grove for assisted living. There have been numerous plans submitted for that area. There are enough signatures for

a ballot and it will be on the Council Agenda to be put on the ballot. According to the expense report submitted, they have already spent \$71,000 on the company hired to do the petitions located in Oklahoma. It is similar to the assisted living on the west side of the city bordered by Rt. 271 and Wickliffe. The big difference with this proposal is that it would be totally bordered by residential homes.

(Smith) [In the Master Plan] Under Chapter 4 Goals and Objectives, Section A, number 2, [says] “reasonable development opportunities are available on sites that cannot easily be developed for standard single-family subdivisions comprised of one-acre lots”. Is there any reason why this property cannot be developed with one-acre lots?

(Schryer) No. The developer’s first drawings submitted were for one-acre lots.

(Weger) There were several issues with his proposal. He wanted the lots measured from the centerline of the road so he could get 23 houses rather than 22 houses. He also wanted the city to install sewers, a pump station and a force main down to the Eddy Road pump station. It would be very big cost to the city to install and maintain sewer for just 22 houses. After some study, the Council opted not to move on sewers. There is no sewer system for that section. I don’t know what they would do for assisted living.

(Schryer) Can the city be forced to install sewers if the initiative passes and gets rezoned? *No.*

(Reichelt) They could sewers in at their own expense and charge home owners to tie-in individually.

(Weger) Gravity Sewers are the best. A force main is less expensive to put into the ground because it is not very deep. There are problems with tying into a force main. If the pump breaks or if the backflow-prevent valve malfunctions, the sewage backs up. There is also the charge for electricity for the pumping in addition to the sewer charge. Most of the lots in that area have working septic systems.

Council Representative's Report

None

Building Commissioner's Report

None

Chairman's Report

- 1) I have had phone calls asking about what is being done with the former Garfield School property.
- 2) Another inquiry was why the city does not put in a U.S. mailbox on city property that is accessible and visible for drive up. (Weger) We are looking into that.

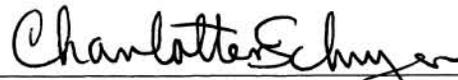
Adjournment

MOTION: John Lillich moved to adjourn
Seconded by Mayer Weger
Voice vote: Ayes unanimous
Motion passes

Adjourned at 8:47 P.M.



Clerk



Chairman



March 5, 2009