

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

March 5, 2009

CALL TO ORDER: 7:05 P.M.

In the absence of the Chairman and Vice Chairman, the meeting was called to order by the clerk and a motion to appoint a Chairman pro tem was requested

MOTION: David Reichelt moved to appoint John Lillich as Chairman pro tem for this evening.
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

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

ABSENT: Chairman Charlotte Schryer and Vice Chairman James Michalski

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

Disposition of Minutes: Meeting of Meeting of February 5, 2009

MOTION: David Reichelt moved to accept the Minutes of February 5, 2009 as submitted.
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

MOTION: David Reichelt moved to excuse the absence of Charlotte Schryer
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

This evening we are using the original agenda that was sent out by email, not the Revised Agenda that was in the packets. 2973 Gatsby will be presented by Fred Wyss under Architectural Board of Review. The original agenda is the one sent to the newspaper and put in the archives.

ARCHITECTURAL BOARD OF REVIEW

Public Portion

Public Portion opened at 7:13 P.M.

None

Public Portion closed at 7:13 P.M.

ARCHITECTURAL BOARD OF REVIEW

1. Stark Firehouse, LLC.

Contractor: Three-Z, Inc.

2768 Stark Drive - Re-Locate Outdoor Bar and Canopy – PPN: 31-A-006-D-00-030-0

Plans stamped received in Building Department 2/23/09

Plans stamped approved by Building Department 2/23/09

Plans stamped received in Building Department 1/16/09

Plans stamped approved by Building Department 1/16/09

Present: Paul Znidarsic and Joe Calderwood, representing Richard A. Beck

Owner/Representative Comments

- This is a plan for a new canopy and covered patio. We plan to relocate the existing bar away from the existing building and to the outer part of the porch. It is a wood constructed building. The back wall faces Rt. 6. It will be a solid wall that goes all the way to the roof.
- The new roof will be shingled, similar to the red shingles on the existing building. The existing roof and trellis will be removed.
- The outside wall be vinyl shake siding with a white trim.
- (Davis) Is the patio a concrete slab? *Yes. The size of the patio will not change.*
- There is a small bar with no running water or sinks. While updating it, we will relocate it to the outside where it will be a service area for the dining room.

Architectural Comments

- What is the lighting style inside the canopy area? *Recessed light and ceiling fans. There is existing indirect lighting around the outside perimeter.*
- Have these properties been consolidated? The canopy seems to be spread over 3 parcels. It might be better to have one single property. *The owner, Jay Wright would be willing to consolidate.*
(Cihula) When a commercial property is initially consolidated, the values are just added together. Future assessment would be on the total property. *(Znidarsic) I think there are six parcels and four buildings.*
(Wyss) I spoke with the Commercial Auditor. He defers to the city. The Law Director said that the city has historically not required [consolidation] when there are encroachments over property with similar or same owners.
(Lillich) Consolidating could uncomplicate things in the future.
- I suggest that you talk with the Building Department and Zoning. Technically, you can't build across property lines. I strongly recommend consolidation. If the property is sold, there would be a non-conforming issue.
- How are the columns constructed? *They are treated posts wrapped with Azac trim. So they are synthetic material and maintenance-free? Yes*
- It is a nice design and a functional space.

Board Comments:

(Smith) What is the material for the siding? *It is a vinyl cedar-shake siding. There is no detail on the wall, can we soften it? It is concealed by existing landscaping and we will add more. It is a low pitch at 17 feet. It takes the place of the fence that is there now.*

(Davis) What about the door to the parking lot? *The door will not change*

MOTION: David Reichelt moved to approve as submitted
Seconded by Mayor Weger
Roll Call: Ayes Unanimous
Motion Passes

2. Cohen Residence

Contractor: Loncar Quality Construction

2973 Gatsby – Change Garage Door Opening – PPN: 31-A-005-H-00-023-0

Plans stamped received in Building Department 2/26/09

Plans stamped approved by Building Department 2/26/09

Present: Fred Wyss presenting for Willoughby Hills Building Department

Owner/Representative Comments

- Originally this was thought to be a minor alteration. However, minor alterations are zoning alterations. Because of the charter, everything comes to the PC/ABR. In the future, there will be a set of drawings for each of the board.
- The owner proposes to replace the two separate garage doors with clipped corners with a single, full-door with clipped corners. They will install a full header and eliminate the center column.
- Pictures show the change in the proposed garage door style from a flush style to a panel style.

Architectural Comments

- Nice door and is appropriate for the garage.

Board Comments:

None

MOTION:

Madeleine Smith moved to approve the plans as submitted.

Seconded by David Reichelt

Roll Call: Ayes Unanimous

Motion Passes

William Gallagher was dismissed at 7:31 PM

PLANNING COMMISSION

Public Portion

Public Portion Opened 7:31 PM

None

Public Portion closed at 7:31 PM

MASTER PLAN REVIEW

Maps and information included in the packet for Map Review. (Archived with the minutes)

- Map 6 Land Use Policy (2003 Master Plan)
- Map 7 Expanded view of the City Center with proposed renderings color coded
- An aerial view of the City Center area from Lake GIS
- A topographical map of the City Center area from Lake GIS

Land Use Policy Map 6 in Chapter 5 page 3

We have had some discussion about this map and have agreed to take off some items that have already come to fruition. There are two areas that need continued discussion.

1.) Proposal for the residential area to be zoned a B-1. The area is colored light red and is marked B-1. Charlotte included a note on the topographical map about a 104 year old house on Eddy Road located in the proposed area. It is the second lot toward SOM on Eddy Road from Campbell Park. The other

thing we need to be aware of is the stream that starts before the driveway at St Noels at the top of the hill and flows to the bottom. The stream flows all the way through under Eddy Road and across to Manakiki. A ravine runs next to the 104 year old house. According to aerial photographs, someone has built a pond on that stream. The new Riparian setback ordinance and the City Engineer would protect the stream. Any wetlands would be protected by the Army Corps of Engineers. There is a major storm sewer that starts near Gale's Garden Center and goes under S.O.M. Center Road east beyond the dental offices. That stream was 'culverted' and flows out into the area near the stream.

Discussion included the boundaries of the proposed B-1 district as shown on the map and the purpose of the B-1 district as a step down from the B-2 district and buffer to other areas of the City Center.

Concerns were expressed about the homes along Eddy Road becoming isolated in the middle of commercial and institutional use. Those are deep lots. Eddy Road still has a nice country look. Rezoning the district as B-1 would affect property values and the city's ability to purchase the properties or developers' ability to make a unified plan for the area. Importance of an integrated plan, rather than 'hodgepodge', was stressed.

Master Plan is a wish list, but it is also foresight and a strategy for growth that will come. It is important to be prepared with a plan. Rezoning should be after an integrated plan is formulated.

Consensus was that there should be a unified plan that looks to the future. A new zoning district category specifically designated Town Center with its own definition and designation was recommended. It would be important to separate its definition from the B-1 and B-2 definitions. It should be attractive on all sides.

- It could be a campus-style, user-friendly and pedestrian - accessible from all sides, with unified development, attached buildings and walking areas. The buildings would be closer to the street with all building attached and a limited number of driveways. Could have parking in the center
- It connects to the parks and the city center. There could even be a cart path from Manakiki.
- Potential use for events like art festivals was suggested.
- It needs something that ties it together as a community and facilitates walking traffic.
- No residential, multiple dwelling or senior housing is planned for the area.
- First floor business establishments with possible apartments on the second floor were discussed.
- Changing the existing B-2 in the current City Center to be part of the new Town Center zoning district was suggested
- The intent of this area can be described in the master plan as a location for unified, singular development, not for individual businesses.
- Current B-1 zoning excludes restaurants but not coffee or ice cream shops.
- A new category would allow small restaurants.
- Feedback from the community and design professional was recommended.
- Examples sited were 1) San Diego area near the stadium and convention center which now has little five-star restaurants with incredible walking traffic, 2) Little Italy, 3) the storefront campus at First and Main in Hudson which is accessible from all sides, 4) as well as Willoughby and Kirtland.
- This would be a good location for restaurants

The only other B-1 districts in the city are on Chardon Road at Orchard and Cricket and the Gateway at Bishop Road and Eddy Road.

The Chairman needs to work with the Mayor to set up an informal round table meeting with D.B. Hartt. The meeting should be in a separate session, possibly on a Saturday in the morning. All questions, points and concerns need to be organized and prepared in advance.

2.) Cluster Housing (colored in brown). This area has been on the wish list for a long time. It is the area that lies behind the homes on Rt. 91 where the property backs up to Rt. 271. It has been discussed that, if the property owners wanted to consolidate that property and break off it off leaving themselves one acre, this would be a good location for a future townhouse or condominium complex along Rt. 271. Several members indicated interest in continuing this discussion.

Updating the Maps: John Davis has the Illustrator part of the Adobe software. He is working on removing the areas that have already been accomplished. The updated maps will include everything that has been accomplished and everything that is envisioned in the new Master Plan. Copies of the new map are not ready yet. They will be distributed to everyone when they are done.

Status of Master Plan: All the changes and proposals need to be integrated into one document so it can be sent out to the Board for overall review from beginning to end. Mr. Reichelt would prefer an electronic version. Sending out the consolidated draft of the master plan is waiting on the maps and further discussion and direction about tonight's items. The Mayor suggested that using an intern from an Urban School of Planning program or an English major at a university to do the editing would help keep the costs down. The focus of the Board is to identify the concepts.

Public Portion for Master Plan Review

Public Portion Opened 8:09 PM

Robert Kowalsky, 2585 Timberline Drive

Where did these maps come from? *They were from the 2003 plan with marking put on them with what had been proposed..* I would like to acquire them. They would be classified as handout if I ask for them tomorrow? *Yes, and they will be part of the minutes.*

At Eddy Road and Rt. 91 where it will go B-2, you talk about the corner house and the second house to the south, is that correct? *[The house to the South] is already zoned B-2.*

Here is what I want you to know. When Heritage came for the west side of Rt. 91 and they went to the courts, their lawyers put a lot of value into the concept that Timberline and Glen Kyle were not a neighborhood in relationship to the west side of 91. If you take away the corner lot, people could say those houses are in their own virtual neighborhood that really is not there. Why are you saying that City Hall is dividing is dividing east and west of the property? They are the same.

I would not do what you are doing [proposed B-1 District at City Center]. You don't know where we are going. I don't think it will ever go back to consumption. It did not go back after the Depression. It grew. If you want to see something different, this might not be the right way. Right now, the way it is, is good. If you keep it residential, someone could not do anything unless they had a good commitment of money and an ending. *It sounds like you are saying what we were discussing from a different angle.*

There are four shopping centers west of Rt. 91, north and south of Chardon, and Gale's. People on Morningstar do not like seeing the back of Gale's. Where was your vision for this corner? There could have been walking through that area to conduct a day's business. Why didn't it happen? *Times and views change.* It is all business. Nothing like a campus. Don't give up the corner.

Frank Cihula

You said you wanted the Master Plan updated. Charlotte asked for help. Madeleine helped with the review. All the recommendations and updating from the 2003 Master plan and the 2006 Zoning Code have been done. Some of it is too new to know what is working and what can be proposed far into the future.

(Weger) The Master plan is supposed to look into the future and mold and shape it, not say what we have. We know what we have. We should have proper maps

(Lillich) We do need to get the maps updated. We can only project on our experiences.

Public Portion closed at 8:15 PM

Unfinished Business

Set Hearing Date for the Zoning Changes

MOTION: Mayor Weger moved to set the meeting of April 16 to have a public hearing on the six proposed zoning changes.
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

Review of the Proposed Zoning Changes

- Chapter 1121 Nonconforming Uses, Lots and Structures. Modifies that section to permit a property owner to rebuild a destroyed building according to the zoning that existed at the time of building, even if space constraints or zoning has changed. It was developed by the Law Director and addressed by David Hartt. The Law Director could come to the Board to discuss this further. Mr. Lillich has a memorandum about it.
- Section 1117.09 Variances. The existing ordinance contains a requirement that the applicant submit a list of property owner within 500 feet of the affected property when they are going for a variance. The proposed ordinance relieves the applicant of that responsibility since the BZA and City does it for them. This was proposed by the BZA. It was originally proposed by David Hartt with conditional use procedures and then struck.
- Section 1133.10 Accessory Use Regulations For Single-Family Detached Dwellings. A copy of the part that involves the change, section (g) was distributed to the board by Mr. Reichelt. PZC has discussed this issue and sent it to Council. After further discussion, the word 'floor area' has been changed to 'footprint'. The ordinance would increase the permissible size of free-standing accessory buildings from 600 square feet to 960 square feet.
- Section 1157.07 Additional Regulations Regarding Motor Vehicles in Residential Zoning Districts: The Planning and Zoning Commission approved this in 1133.11. The Council Planning and Zoning Committee struck the permitting process. It was moved into 1157.07 because then applies to all residential. It is everything that PZC approved minus the permitting section.

- Section 1151.06 Prohibited Signs: A copy of the part that involves the change was distributed to the board by Mr. Reichelt. The Council Planning and Zoning committee is recommending that the pole signs be permitted on properties zoned B-2 or B-3 located on Bishop Road between I-90 and Chardon Road and on Chardon Road west of Bishop Road. City Council has asked for this for years. Criteria, definition and specifications for pole signs will be written for the Code.
- Chapter 1111.05 Minor Alterations Reviewed by Zoning Administrator: A copy of the part that involves the change, section (e), was distributed to the board by Mr. Reichelt. Gives the building official discretion to waive formal procedures for minor modifications that meet the spirit of the law. Section (e) provides a safeguard. Section (c) (1) and (2) were struck, but may be re-inserted because those sections were written by the planner requiring the zoning administrator to act so nothing falls through the cracks. The current Zoning Administrator assured the Board that he would cautiously exercise this right.

Corrected copies distributed by Mr. Reichelt for 1133.10, 1151.06 and 1111.05 will be included in the minutes together with the Proposed Zoning Changes that were included in packets.

Clerk will get the corrected electronic copies from Mr. Reichelt and then distribute them to the Board by email. There was no preference expressed on whether they are in word or PDF format. Board will review all the proposed changes.

New Business

None

Mayor's Report

- 1) During Public Portion, the public is able to speak. After Public Portion, the Board needs to act within themselves. Discussions should be maintained within the Board itself rather than letting some to speak and not others. We need to be strict on the rules. The Board needs to be autonomous.
- 2) Master Plan seems to be moving in the right direction. We accomplished a lot tonight. We need to be forward looking rather than what happened in the last five years.

Council Representative's Report

I would like to thank the commission in advance for their considerations of the proposed zoning changes. There has been a lot of time spent on them. We need to move them along in a timely fashion and get them back to Council

Building Commissioner's Report

A single family home at 2985 Mill Gate Drive, subplot 27 was approved on September 18, 2008.

Mr. Vitantonio emailed me that he is having difficulty getting financing. Do we need to put it on the agenda for next meeting or can we have consensus on this issue?

Consensus: Extend the application deadline to allow Mr. Vitantonio to get financings.

However, he should not start construction without proper financing. Building Commissioner will notify the applicant by email.

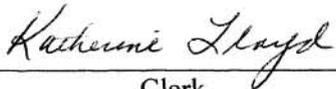
Chairman's Report

None

Adjournment

MOTION: Mayer Weger moved to adjourn
Seconded by David Reichelt
Voice vote: Ayes unanimous
Motion passes

Adjourned at 8:48 P.M.



Clerk



Chairman