

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

April 16, 2009

CALL TO ORDER: 7:07 P.M.

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, City Engineer Richard Iafelice, and Clerk Katherine Lloyd

PUBLIC HEARING for PROPOSED CHANGES TO THE PLANNING AND ZONING CODE

The clerk read each of the proposed changes into the record.

- Proposed Ordinance No. 2009-12 Chapter 1111.05 Minor Alterations Reviewed by Zoning Administrator
- Proposed Ordinance No. 2009-13 Section 1117.09 Variances
- Proposed Ordinance No. 2009-14 Chapter 1121 Nonconforming Uses, Lots and Structures
- Proposed Ordinance No. 2009-15 Section 1133.10 Accessory Use Regulations For Single-Family Detached Dwellings
- Proposed Ordinance No. 2009-16 Section 1151.06 Prohibited Signs
- Proposed Ordinance No. 2009-17 Section 1157.07 Additional Regulations Regarding Motor Vehicles in Residential Zoning Districts

Joyce Grady, 3020 Marcum

This is a point of clarification on 2009-17 that says no more than two vehicles may be displayed for sale in a twelve month period. Would there be exceptions to the rule depending on circumstances, such as a large family with children in college who needed to sell many vehicles in a short period of time? In the same Ordinance, number four says that vehicles displayed for sale must have at least two wheels on a hard surface for safety purposes. Most driveways in Willoughby Hills are only one car wide. There would still be a safety hazard if emergency vehicles needed to get in.

Ray Somich, 2941 Legend Lane

I am in support of all the proposed ordinances that we have discussed in committee meetings, especially 2009-16 which allows pole signs at Bishop and Chardon roads. Poles signs are not a good idea in residential and mixed areas where people live next to businesses. Bishop and Chardon is clearly a commercial district on both sides of both roads off the highways. There are vacancies in that area. We need to attract businesses and to develop that area along Bishop Road. Construction on Bishop Road and on the bridge placed a serious burden on that area. We lost businesses that were directly impacted. We want to keep businesses here. The current economy will continue to be tough in the foreseeable future. We do not want to hurt these businesses. They need to advertise in a variety of

media to attract customers from a variety of areas. The customers need to be able to find them. They are struggling to keep their doors open. If we give these businesses a time frame to make them take down their signs and put up new signs, it will be an unnecessary burden. City Council agrees that this is the common sense approach in the right area. I urge this Commission to support these job-providing, tax-paying valuable assets to our community.

Robert Kowalski, 2585 Timberline Drive

Pole signs will give businesses a break. Ground signs are cleaner and better looking. Pole signs look like Cleveland and Euclid. If you want to lighten up the pole sign regulation, keep it on the vein started many years ago - ground signs. The newspaper advertises pole signs at Bishop and Chardon, but this ordinance does not designate a particular area or property. It might spread over the city. This is going backwards. We need to think of something else to help businesses. Restriction of the number of vehicles that residents can show and sell in a year restricts families. The economy is in a recession. I do not think we have a big problem. To waive formal procedures for Minor modifications, you have regulations or you don't. Through the years this board has worked very hard on all these things. We should not go backwards.

Public Hearing was closed at 7:23 PM

Disposition of Minutes: Meeting of Meeting of April 2, 2009

MOTION: David Reichelt moved to accept the Minutes of April 2, 2009 as submitted.
Seconded by Madeleine Smith
Roll Call: Ayes Unanimous
Motion Passes

PLANNING COMMISSION

Public Portion

Public Portion Opened 7:24 PM

None

Public Portion closed at 7:24 PM

1. Wright Place

Contractor: Conor Services, Inc.

34300 Chardon Road – Remodel Patio – PPN: 31-A-006-D-00-030-0

Plans stamped received in Building Department 3/25/09

Present: Kevin F. McCrone representing Conor Services, Inc.

Updated plans were submitted to the Board members by the Building Commissioner. (Schryer) We are still working on the Right of Way (ROW). Mr. Iafelice will provide an update on what has happened in the last two weeks.

Owner/Representative Comments

City Engineer Comments

We developed easement agreements with Fazio's for a turn out at Chardon and Stark intersection. Part of the easement conditions identify that the city will build the islands in the front and on the side. In turn, we submitted that information to the Wright Place consultant, Dusty at Polaris so he could revise his plans for Wright Place. I believe that the Wright Place plans to relocate the dumpster and will remove three parking places for a landscape area. That way the landscape area on the west side of

Stark will roughly mirror what is done on the east side of the road. Right now the easements as related to Fazio's issues are being reviewed by Fazio's. All indications are that it is a 'go' and we will be able to build our pump station and install the generator.

With regard to the Wright Place, the issues for that project are removing the parking spaces, moving the dumpster, converting to a landscape island and mirror the turnout so the encroachment on the pavement is taken care of.

Board Comments:

(Lillich) I don't see the bio-basin on the plans on the Fazio side. *(McCrone) These plans are for the Wright Place, not Fazio's.* There will be landscaping on the west side by Wright Place, but no bio-basin? *(Iafelice) Correct. It will be a simple curbed island with landscaping. (McCrone) We will work with Rich on the landscape plan. (Iafelice) Our plan is also to mirror the plantings.*

(Schryer) The planting will be on the east side for the ROW line? *(Iafelice) Correct*

You feel that what is happening with Fazio's will go through? *(Iafelice) We are pretty optimistic. The whole intersection will be significantly enhanced.*

MOTION: David Reichelt moved to accept the site plans for the Wright Place at 34300 Chardon Road as submitted.
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

Richard Iafelice was dismissed at 7:34 PM

ARCHITECTURAL BOARD OF REVIEW

Public Portion

Public Portion opened at 7:40 P.M.

None

Public Portion closed at 7:41 P.M.

ARCHITECTURAL BOARD OF REVIEW

1. Skoopy Doo Ice Cream Store

Contractor: Ohio Awning & Manufacturing Co.

34000 Chardon Road – Remodel Patio – PPN: 31-A-006-0-00-007-0

Plans stamped received in Building Department 4/13/09

Present: Fred Wyss for the Building Department

Owner/Representative Comments

- This would have been one of those Minor Alterations. But for the timing, I would have approved it
- It is virtually identical to the rendering previously submitted to the Planning Commission.
- The awning will be black to go with the new black roof.

Board Comments:

(Schryer) We are just making this official? *(Wyss) Yes.*

Lillich) Is the end facing Chardon Road a gable? *(Wyss) It will be a clipped hip. According to the drawing from the awning company, it will follow the gable of the roof and follows it down on the back side.*

MOTION: John Lillich moved to approve the drawing as submitted.
Seconded by David Reichelt

Roll Call: Ayes Unanimous
Motion Passes

MASTER PLAN REVIEW

Master Plan is progressing but everyone working with it are experiencing issues with outside life. Mr. Gallagher sent a group of photos of sides of building, store fronts and roof lines. They will help the Board when developers describe what they propose. Unfortunately they are not separate, so Mr. Gallagher will need to re-send the photos separately so we can insert them into the Master Plan. Maps are going well. Everything is taking more time. I am not giving a date when it will be ready.

Public Portion for Master Plan Review

Public Portion Opened 7:40 PM

None

Public Portion closed at 7:40 PM

Unfinished Business

The Proposed Zoning Changes have had first and second reading. They will vote next week. The Planning Commission needs to discuss them tonight and vote on them so that our voice will be heard.

Ordinance No. 2009-12 Section 1111.05 Minor Alterations Reviewed by Zoning Administrator

No questions or comments.

MOTION: John Lillich moved to pass 2009-12 Section 1111.05 on to City Council with the approval of the Planning Commission.
Seconded by John Davis
Roll Call: Ayes Unanimous
Motion Passes

Ordinance No. 2009-13 Chapter 1117.09 Variances

(Smith) This addresses the notification of people within 500 feet?

(Schryer) Currently the public needs to do it. The BZA has also been doing it. Notification regarding a variance should be the responsibility of the BZA to ensure accuracy. This ordinance would switch the responsibility to the BZA.

MOTION: Madeleine Smith moved to approve 2009-13 Section 1117.09
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

Ordinance No. 2009-14 Chapter 1121 Nonconforming Uses, Lots and Structures.

(Reichelt) The Chairman of the BZA indicated to me that there is an error in the caption of this proposal. Can we get that wording from him? *Yes*

(Cihula) It should read ‘An Ordinance amending *Part* Eleven – *Planning and Zoning Code*, Title Three’. Further down, the word ‘land’ should be plural. It would read ‘Nonconforming Uses of Buildings, Structures or Lands’.

MOTION: John Lillich moved that we pass 2009-14 Section 1121.01-4 on to City Council with our approval.

Seconded by John Davis
Roll Call: Ayes Unanimous
Motion Passes

Ordinance No. 2009-15 Chapter 1133 (1133.10) Accessory Use Regulations For Single-Family Detached Dwellings

No questions or comments.

MOTION: John Lillich moved that we pass Ordinance 2009-15 Section 1133.10 on to City Council with our approval.
Seconded by John Davis
Roll Call: Ayes Unanimous
Motion Passes

Ordinance No. 2009-16 Chapter 1151.06 Permitting Pole Signs

(Reichelt) I would like to clarify what you just said and address the comments of Mr. Kowalski, who is currently out of the room. This does not permit pole signs in the city. It adds an exception to the restriction on pole signs that currently and will continue to exist through out the city except in the areas zoned B-2 and B-3 located on Bishop Road between Rt. 90 and Chardon Road and on Chardon Road west of Bishop where pole signs are permitted. That is in section 1151.06 subsection (g) of the Ordinance. It only applies to that section.

(Schryer) In the paper, it sounds like it goes all the way to the city line, but it does not go beyond Chardon Road *(Reichelt) It includes properties that front on those area on Chardon Road*

(Lillich) In previous research there did not seem to be any evidence that pole signs provided any more benefit than other types of signs, unless it was next to freeways. Am I correct, Frank, that existing pole signs that have a time limit for removal for existing pole signs can be appealed by the owner? *Yes. What kind of extensions are there? No one has ever been told to take their sign down because it is 10 years old. An evaluation by a sign company stating the sign will be good for a specific period of time would be helpful to the BZA.*

(Davis) Having had a retail business for 30 years, I have first hand experience with the value of signage and the direct correlation with people locating you. Due to the location of the big box stores, I feel that it is to their advantage to have something bigger. Is it possible to have pole signs dedicated to just the B-3 area or specific zoning districts?

(Schryer) Mr. Davis had posed that question to me, but I was unable to reach the Law Director about it
(Reichelt) David Hartt felt it would be more problematic to have different signs for different districts on the same road.

(Schryer) David Hartt would say that heavier signage could be in B-3 and that B-2 could be ‘stepped down’. Regardless of how this Board decides, it is important that the signage for the area needs to be re-evaluated. The signs are not proportioned for type of stores.

(Reichelt) This body and City Council agreed that we do need to create and adopt standards for pole signs after this is adopted. They may need to be renamed.

(Smith) I still regard this ‘spot zoning’. It would be unfair to the people who took their signs down because we did not want a carnival atmosphere. We spent so much time trying to get rid of pole signs that I feel I cannot vote for this because it does not do anything for the look of the city.

(David Reichelt) He presented pictures of the area which generated additional discussion which included concern about multiple signs, temporary signs, overhead wires, need for exposure by the businesses, signs put up by businesses, and the motivation of business owners to put up new signs. The need for written standards was restated.

(Weger) Willoughby Hills will never look like Vine Street or Pearl Road. We have larger properties with larger stores. Surrounding communities have stores putting up attractive elevated or pillar signs.

Our regulations can make sure signs look good and are maintained. Why make businesses angry when we can work with them? We need to make what we have look better. We need to attract businesses. Our businesses need to thrive and cater to our residents.

(Schryer) It is important that this does not go into law before there are regulations created that fit the area in a business-like, attractive manner. This ordinance is a big gesture to the business community. There are things that the business owners could do on their own if they get together.

(Wyss) There should be guidelines but standards or no standards, projects come before the Board for approval. Decisions here set the standards.

(Schryer) Guidelines are there in the zoning code. If it is reasonable it will get passed. That's why we set the code.

MOTION: John Lillich moved that we pass Ordinance No. 2009-16 Chapter 1151.06_on to City Council with our approval.
Seconded by David Reichelt
Roll Call: 4 Ayes and 2 Nays (John Lillich and Madeleine Smith)
Motion Passes

Additional Discussion

(Schryer) We can work on the standards. There are some pretty classy signs out there.

(Smith) It was David Hartt's original recommendation that we get rid of pole signs.

(Reichelt) David Hartt was approached with the concept that there are people who want poles and how should we proceed to accomplish it fairly and legally.

(Schryer) Should we also send a statement along with the motion that the Board strongly recommends that regulations are put into place before it is signed into law. I would be willing to work on it. There are tons of information available that can be researched. We could work with David Hartt.

(Schryer) No one has an objection to sending along such a statement with the motion? *None*

(Reichelt) If this Body would like to develop it [the standards], the committee will consider it.

In all fairness, the legislation has gone through its legal process. Once voted upon, our Charter dictates when it goes into law.

(Schryer) My other reason for supporting this is that this is a gesture of good will. We try to be as business oriented as we can be. This city is pretty well balance. We have spent a lot of money down at Bishop Road.

Ordinance No. 2009-17 - Chapter 1157 Additional Regulations Regarding Motor Vehicles in Residential Zoning Districts:

(Lillich) We have had this Ordinance for many years. When we re-did the Master Plan and Zoning Code to support it, it got left out. Situations have arisen where we sorely needed it. This Ordinance just brings back what we had.

(Reichelt) Regarding comments made during Public Portion, our Zoning Code is largely complaint generated. If a circumstance like the one with the number of cars that Joyce cited arose, unless someone complained, nothing would happen. In the situation about the car parked on the driveway, it prohibits people parking vehicles on the grass with 'for sale' signs.

(Schryer) Having one tire on and one off is for safety reasons so emergency vehicles can get past.

MOTION: John Lillich moved that we pass Ordinance No. 2009-17 Chapter 1157.07_on to City Council with our approval.
Seconded by David Reichelt
Roll Call: Ayes Unanimous
Motion Passes

New Business

Mr. Reichelt asked that the clerk communicate the discrepancies in Ordinance 2009-14 and any other typos to the Clerk of Council so she can amend the draft that is being circulated.

Mayor's Report

None

Council Representative's Report

None

Building Commissioner's Report

None

Chairman's Report

None

Adjournment

MOTION: Madeleine Smith moved to adjourn
Seconded by David Reichelt
Voice vote: Ayes unanimous
Motion passes

Adjourned at 8:38 P.M.


Clerk


Chairman

