

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio
April 21, 2011

CALL TO ORDER: 7:07 P.M.

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

ABSENT: Vice Chairman James Michalski and John Davis

ALSO PRESENT: Council Vice President David Reichelt, Building Commissioner Fred Wyss, BZA Representative Frank Cihula, City Engineer Richard Iafelice (7:10 P.M.) and Clerk Katherine Lloyd.

The City Architect, William Gallagher was given the night off.

Correspondence: Memo dated March 28, 2011 from City Engineer Richard J. Iafelice to the Willoughby Hills Planning and Zoning Board RE: 37821 Milann Drive, Hydraulic and Hydrologic Analysis

MOTION: Madeleine Smith moved to excuse James Michalski from this evening's meeting.
Seconded by David Fiebig
Voice Vote: Unanimous
Motion Passes

MOTION: Madeleine Smith moved to excuse John Davis from this evening's meeting.
Seconded by John Lillich
Voice Vote: Unanimous
Motion Passes

Disposition of Minutes: Minutes of April 7, 2011

MOTION: John Lillich moved to approve the Minutes of April 7, 2011 as presented.
Seconded by David Fiebig
Voice Vote: Unanimous
Motion Passes

(Schryer) Planning Commission will be heard before Architectural Board of Review because we need to consider the entire project before considering the proposed sign. Planning Commission Public Portion will be heard after consideration of the project. The discussion may answer questions that the audience might have.

PLANNING COMMISSION

1. Royce Properties

Contractor:

**36470 Maple Grove – Single Family Residential Subdivision – Entrance Monument Sign –
PPN: 31-A-012-E-00-001-0**

Landscape plans received by Building Department 2-3-11

Site Plan received by Building Department 4-5-11

Present: Brian Osborne representing Royce Properties and Joe Gutowsky, project engineer)

Owner/Representative Comments:

- Brian Osborne
 - Additional drawings were offered but they were not updates.
 - This site is about 25 acres located off Maple Grove Road and next to the Maple Grove Alliance Church.
 - We are proposing 18 new 1-acre lots for single family homes pricing around \$119,000 which computes to \$400-450,000 homes, similar to the Pine Valley subdivision.
 - They will have septic systems.
 - Average lot frontage is 135 feet. About half are wooded; the other half are cleared lots.
 - The street is 1800 linear feet. It will go between the existing home on Maple Grove and, the church. Once the new street is in, the existing church driveway will be ‘demo’d’ and seeded. The new road will be the access for the church. There are two access points for their driveway.
 - The house coming in and the church will be heavily screened.
 - The Home Owners’ Association (HOA) will have standard language, similar to Pine Valley. There will be an Architectural Review Committee. Any plans for new homes, renovations, additions or changes must be approved there first and then they go to the City.
 - The detention basin up front will be an accented feature of the entrance. It will be landscaped with a fountain and fencing.
- Joe Gutowsky: Drainage was the biggest issue at the last meeting. Since then we have worked with City Engineer to alleviate problems to the west of the site by putting a swale down the west line, adding yard drains and then routing the water to a detention basin in the front of the site that will outlet to the east on Maple Grove. That will solve drainage problems along the rear yards to the west of the property behind the church. There is a yard drain on every other lot for the yards, tie-ins for sump pumps and curtain drains for septic systems.

City Engineer’s Comments:

- The planning process working on stormwater management and legal issues has gone well.
- Plat map
 - The third paragraph indicates Orwell Gas Company has franchises with the City.
 - The Plat speaks to Royce Properties as the dedicator of the land but the HOA is under the record. The Declaration of Covenants indicates there is a development company called Maple Valley LLC, but the owner of the property is Royce Properties. Who is dedicating the land? *The developer entity will be Maple Valley LLC. Our attorney wanted final sign off on the HOA so he doesn’t take unnecessary language over to the plat. The property will be transferred into Maple Valley LLC. The plat entity will change. Where it indicates Royce Properties will become Maple Valley LLC? Okay.*

- Block A on page 2 is the 2-foot devil strip of land reserved in the name of HOA. The HOA will control access. If the church ever re-develops, whatever it becomes will be part of the HOA. The church has frontage on Maple Hill Road with ingress-egress easements, two curb cuts and two driveways. That will improve safety. Any conveyance of Block A must be approved by the City according to the Declaration.

3.) Stormwater management is best shown on pages 8 & 9 of the construction plans. These plans will serve as a Master Plan for individual builders. Placement of the homes has been designed specifically to suit the individual sewage systems based on the soils. The general layout of the individual septic systems is shown. The types vary. On sheet 9 they are in the rear of the home along with the local drainage. Grading will help with rear yard drainage problems. The detention basin is a good feature.

4.) Sheet 10 shows the swales, mounds and rear yard drainage and varying setbacks for the homes due to the septic systems and drainage system plans. It is important to follow this plan.

5.) Drainage patterns have been engineered to intercept run off, shield neighboring properties to the east and divert water into a controlled outlet structure.

6.) By-Laws and the Declaration of Covenant and Restrictions

- Documents have been revised
- The annual HOA Assessment Fee provides for stormwater management, maintenance and septic. However, Special Assessments for Capital Improvements in Section 5 of the Declaration are not limited to repair or replacement of a septic system. They pay annual fee for maintenance and inspection of the septic system. But if one is failing, does the association pay for it? That seems odd. This is private property; they are fee simple lots. *I think the lawyer was trying to keep it flexible. HOA has to approve capital improvements.*
- I have a question about Section 2: The By-Laws create the HOA. The HOA begins no later than five years after the filing of the Articles or after 50% of the lots are sold [Section 2 in Article 4]. There is no accountability for any improvements and maintenance that take place in those first five years. On page 4 of Section 2, it states that as long as the declarant [Maple Valley LLC] owns the majority, the declarant will advance to the Association funds in addition to the assessments to assure discharge of duties. *We have a vested interest in maintaining the subdivision.* If the City identifies a problem during the first five years, the City would be communicating with the HOA and the declarant would advance funds? I need to have the Law Director check this particular question.
- Design standards are similar to Pine Valley

Board Comments:

- The homeowners need to understand that it is their responsibility to come to the City Architectural Board of Review after the HOA review for review and permits for the projects. The last sentence of Section 2, Article 5 states that the HOA Board does not supercede the City.
- Concern was expressed about the HOA officers being permitted to hold multiple offices but not President and Vice President at the same time. Usually President cannot also be the treasurer. There are also no term limits. *This was a standard HOA form. Mr. Osborne will check with their attorney.*
- The need for timely response by the HOA to any maintenance problems identified by the City was stressed.
- Are the septic systems all the same or does the type of soil determine which type of septic system is needed? *They are all drip systems.*

Public Portion opened 7:42 P.M.

Ray Speece, 36371 Maple Grove Road

I am across from the church. How will the location of utility tie-ins affect our property? Will the Church have a separate address or the capability of having one on the new street because of the easement? Will the Church sign be moved or altered?

Has increased traffic volume and traffic signaling been considered? I am concerned because no stop sign is planned for the new intersection.

- The church address can stay Maple Grove unless they request a change. They do have frontage on Maple Hill. All the addresses for the new properties on Maple Hill have been assigned. The possibility of the church changing its address was not anticipated. The church has frontage on Maple Grove.
- A stop sign on Maple Hill has been discussed, but not on Maple Grove. There is no warrant for it.
- At this point, the existing church sign will stay there.
- The water main is across the street. The water tie-in will be west of your driveway but will be sub-surface. We don't have the CEI plan yet but generally they put in a new pole. Some of the poles near the church drive need to be moved. The wire would go across the street, down the pole and then underground. There is a waterline 1-2 feet away from the pole.

Council Vice President David Reichelt, 300 Pebblebrook Drive

Is the Church part of this property or is it still separately owned? *The area in green on the drawing is what we currently own.* The back corner is not in property? *No.*

Public portion closed 7:48 P.M.

Landscape Plan

Owner/Representative Comments:

- We hired Course out of Chagrin Falls as our landscape architect.
- We requested heavy screening along the existing house coming in and screening as a backdrop behind the wet pond and for the church.
- There will be a barnstone sign with a white PVC fence that will run along Maple Grove with the barnstone. It will enclosed the outlot and provide somewhat of a barrier for the detention basin.

City Engineer's Comments:

None

Board Comments:

(Schryer) You show the green strip along the church in your landscape plan? It is more that the 2-foot strip on the main drawing. It is in the right of way (ROW) but not on the plat. The HOA would do the front. Who will maintain that strip? *It will be mowed with the church.*

Because of the ROW we do end up with the strip. We will seed it. Who takes care of the shrubs and trees? *We can incorporate in the HOA.* There needs to be a determination on who is responsible.

(Smith) Along the back of the church property line, is this a paved area? It is all green lawn.

Is there any plan to make that back line more private with plantings? *Thick woods start at the property line. The homeowner of that lot would determine what trees to keep or any additional planting.*

(Wyss) Some of the existing trees will be disrupted because of the septic systems. *The systems have 1-inch diameter tubing that can be 'snaked' around many of the trees.*

(Schryer) Tom Marsh was here at the last meeting. He has the property next to the pond with very large pine trees. He is concerned about damage to their root system during construction of the pond

(Gutowsky) We worked with John Topolski to pull the pond away from the property line. That's how it is shaped the way it is.

(Lillich) He also has large trees in the front of his house that could be affected by construction of the sewer line. We do not know if the trees are in the ROW.

(Iafelice) On page 27, the sewer line is only 5-feet deep and 'hugs' the pavement. The trees are at or in the City ROW. Construction could affect the trees.

(Schryer) Will there be any lighting on the sign? *Nothing is planned.*

(Fiebig) Are there any street lights on the new street? *No.*

(Iafelice) The final construction cost estimate is still outstanding and needs to be reviewed. The Law Director will need to approve the performance bond.

(Schryer) Before approval, there are the two questions about the HOA that need to be reviewed by the Law Director: the officers holding multiple offices, especially the treasurer, and the items in Section 2 identified by the City Engineer.

(Lillich) I am impressed with everything they have done to control the stormwater and solve existing problems that the neighbors to the west have had with stormwater.

(Schryer) The name also needs to be changed on the plat. (*Osborne*) *Our attorney [Dave Richardson] asks that everything in the HOA be signed off by the City Law Director Tom Lobe. He Richardson] will contact Mr. Lobe.*

(Cihula) Will the depth of the detention pond affect the water table in that general area? *The pond will only be 7-feet deep and the bottom will be lined with clay.* There are a number of typos in the Declaration.

(Schryer) If the Board has any additional questions, please pass them along before the next meeting so hopefully everything will be done. The sign will be considered at the next meeting with the entire project.

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened

Public portion closed

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**36470 Maple Grove – Single Family Residential Subdivision – Entrance Monument Sign –
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Landscape plans received by Building Department 2-3-11

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(Schryer) Consideration of the signage project was postponed until next meeting. The sign documents have not been signed off by the City Engineer.

The following minor alterations were read into the record by the Chairman.

Minor Addition Approved by the Zoning Administrator

1. Gloria and Tom Majeski

Contractor:

2717 Graylock – Attic Alteration – PPN: 31-A-009-B-00-002-0

Plans received by Building Department 3-15-11

Plans reviewed by Building Department 4-12-11

2. Richard & Nancy Helton

Contractor: Owner

37500 Eagle Road – Front Porch – PPN: 31-A-010-1-00-007-0

Plans received by Building Department 4-7-11

Plans reviewed by Building Department 4-12-11

Mr. Iafelice left at 8:08 P.M.

MASTER PLAN

The Chairman has started going through the Master Plan document that the Board voted on and sent to Council. The section on Residential Property Maintenance Code has been red-lined because it is already done. Any typos, punctuation, spacing and paging are being corrected. If there are any wording changes, they will be presented to the Board.

The Appendices were reviewed. Areas where 2010 census data need to be inserted were identified. Copies of the revised Appendices were made for the Mayor. In the document itself, most references to Census data are in Chapter 2. Student census data received from Mr. Fiebig was made into Appendix A-3(b) Willoughby Hills Enrollment Data By Grade. A draft copy was distributed to the Board.

Some of the tables and graphs are small. The table in Appendix A-3(a) School Age Children Per Household has census data going back to 1970. Keeping in older data does show growth in the City but that information is on file. Per discussion, 1970 data will be taken out of the table so there will be enough room to add 2010 data

The comparison copy being prepared for Council is not ready yet. The only 2010 Census data available now is for redistricting. The new Fact Finder software on the Census website will be available starting in May. The list of information will be given to the Mayor in May.

Master Plan Public Portion

Public Portion opened 8:19 P.M.

None

Public portion closed 8:19 P.M.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

None

MEMBER'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT

None

BUILDING COMMISSIONER'S REPORT

None

CHAIRMAN'S REPORT

None

MEMBERS' REPORT

None

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

Adjourned at 8:20 P.M.



Clerk



Chairman

Date Approved 5-19-11