

**MINUTES**  
**Planning and Zoning Commission & Architectural Board of Review**  
**City of Willoughby Hills, Ohio**  
**April 7, 2011**

**CALL TO ORDER:** 7:02 P.M.

**PRESENT:** Chairman Charlotte Schryer, Vice Chairman James Michalski, Mayor Robert Weger, Council Representative David Fiebig, John Lillich, Madeleine Smith and John Davis

**ALSO PRESENT:** Building Commissioner Fred Wyss, BZA Representative Frank Cihula and Clerk Katherine Lloyd.

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

**Disposition of Minutes:** Minutes of March 17, 2011  
Corrected to read: Council Vice President David Reichelt is standing in for Council Representative David Fiebig.

**MOTION:** John Lillich moved to approve the Minutes of March 17, 2011 as submitted.  
Seconded by James Michalski  
**Voice Vote: 4 Ayes and 3 Abstentions (Weger, Smith, Davis)**  
**Motion Passes**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened 7:05 P.M.**

**None**

**Public portion closed 7:05 P.M.**

No Pending Business

(Schryer) The Royce Properties project has been taken off the Agenda for tonight's meeting. They were not quite ready. We will still hold Public Portion for Planning Commission projects.

**PLANNING COMMISSION**

**Public Portion opened 7:05 P.M.**

Tom Marsh, 35620 Maplegrove Road

I live next to the property being developed. I was able to review the plans today.

1.) After the development is done, how will the pond and fountain be maintained? It will start with a fountain, but will they continue to use a fountain?

*(Schryer) The Home Owner Association (HOA) will be responsible, not the City, unless the HOA defaults. If the City does it, the home owners will be billed. Questions about the fountain need to be answered by the City Engineer or the HOA who are not here tonight.*

*(Weger) It will have a fountain or spray to keep algae down. Maintenance, including chemicals and electricity will be paid by the HOA. The deed restriction for the subdivision allows the City to*

*assess costs of maintenance back to the home owners if the City maintains it. The HOA assesses funds from each homeowner and each lot as it is sold to cover cost of yearly inspection of the septic system and maintenance of the pond.*

- 2.) Will the new storm sewer connect to ditch or pipe? (Wyss) *The storm sewer drain pipe will be Underground and will go to the creek area to the east.*
- 3.) My driveway is labeled as a Type D Culvert repair. Will that eliminate my ditch or my neighbor's swale? *The City Engineer can answer that question at the next meeting if the project is ready.*
- 4.) It looks like a PVC fence will go all the way around it.  
*The City Engineer can answer that question.*
- 5.) How can my large pines in the front be protected during the construction. *Ask the Building Commissioner about that so he can alert the City Engineer so that ways to protect them can be built into the plans.*

**Public portion closed 7:13 P.M.**

1. DDR

Contractor: Out to Bid

**27751 Chardon Rd. – Internet Cafe – PPN: 31-A-008-0-00-013-0**

Plans received by Building Department 3-25-11

Plans approved by Building Department 3-25-11

Present: Kenneth Williams and Mike Brooks

(Schryer) The address for the Internet Café will be corrected to 27751 Chardon Road. The PPN number will be corrected to PPN 31-A-008-0-00-013-0.

**Owner/Representative Comments:**

- I [Mike Brooks] am an agent for J & C Marketing, d.b.a. Safehaven Sweepstakes
- It is an 'outfit' of an existing structure to accommodate the sweepstakes room
- According to the letter of Ohio State law, Internet Sweepstakes are a legal form of recreation, like a modern-day Bingo.
- Our demographics are 45 and older; 75-80% are female. They understand the legal issues. Our room develops into a social club.
- We have no tolerance for use of alcohol or drugs.
- It is non-gambling business because of the finite pool of prizes similar to contests run by Coca-Cola or McDonald's.
- Customers buy internet time. With each dollar of internet time, we award one minute of sweepstakes time. The sweepstakes time is used to access games on the internet. Games are used to reveal your prize winnings. At the end of evening the winnings can be redeemed for cash

**Board Comments:**

(Schryer) Are these the same type of games as the other internet cafes? *It is the same industry but we use a different type of software, games and graphics. They are all based on a finite pool of sweepstakes prizes.*

(Lillich) Is this the old Friendly's location? *Yes.*

(Fiebig) You said that you are an agent? Are you an owner or related to Charles Brooks? *Yes, I am the 'front man' for construction. Chase Brooks, my brother and Jerry Stuart are the owners. Will you work there or just do construction? I do the construction. We hire local people and local regional*

managers. Do you have other locations in Cleveland? *We have locations in Parma Heights and Solon. We have other Letters of Intent for additional locations.*

- Ken, what is your relationship? *I am the business analyst in charge of locating & leasing the building and hiring. We look for 'best performers' who can be managers. We would come to check on them regularly. How many do you have in Ohio? Three At this location, how many employees would you have? 17-18 full and part-time people covering different shifts, plus manager or supervisor.*
- You are aware of the Attorney General' position? *Yes, our correspondence with him says he has no intention of changing the status of sweepstakes in Ohio. He is looking at businesses that have been grouped into our industry like the back room poker.*
- The number of terminals could be an issue. You have how many? I heard it will go down to five, which will impact your business. *We have 75. I have not heard about a reduction. It may be for the free-standing. Chase's correspondence with the Attorney General leads us to believe that we will move forward. They like how we do business, unlike the 'bad' that are associated with this business.*

(Michalski) Do you plan any changes to the outside of the building? *It needs some plants, landscaping and paint.*

(Schryer) You will do the painting? *Yes*

(Davis) Will there be food? *We have no food preparation areas. We will serve complementary snacks and beverages with occasional pizzas and prepared food ordered in.*

(Michalski) As long as they are meeting letter of the law... What about parking?

(Schryer) They have spaces around the building and share a section in the back. *In the back is the former Sam's Club.*

Wyss) Will you be bringing in Signage to be approved? It would have to be at a different meeting. *Yes*

(Fiebig) The device fee on the Gaming license application is listed as \$40.00 and 74 devices are listed.

(Wyss) That is an old form which needs to be updated and the number of devices need to be revised.

(Fiebig) Approval could be contingent on an updated and signed license application.

(Weger) Willoughby Hills counts the machines every month.

(Schryer) Plans for the new signage need to come back to ABR. *We will use the existing sign box.*

**MOTION:** James Michalski moved to approve the applicant's plan to establish an Internet Café at 27751 Chardon Rd. as based on their compliance with all city and state ordinances and contingent on updating the City of Willoughby Hills Game Room registration and application for the correct quantity of gaming devices and correct service fee.

Seconded by Madeleine Smith

**Roll Call: Ayes Unanimous**

**Motion Passes**

2. Royce Properties

Contractor:

**36470 Maplegrove – Single Family Residential Subdivision – PPN: 31-A-012-E-00-001-0**

Landscape plans received by Building Department 2-3-11

Site Plan re-reviewed by Building Department 4-4-11

(Schryer) The Royce Properties project has been taken off the Agenda for tonight's meeting. They were not quite ready. We will still hold Public Portion for Planning Commission projects. No representatives were present

**Minor Addition Approved by the Zoning Administrator**

1. Second Generation Investments, LLC

Contractor: Cicogna Electric & Sign

**2763 S.O.M. Center – Huntington Bank Sign Change – PPN: 31-A-004-0-00-017-0**

Plans received by Building Department 3-3-11

Plans reviewed by Building Department 3-3-11

(Wyss) This is an upgrade of the signs on the actual building. They have a marginal color change and are now also on the sides for greater visibility. This is corporate signage that was approved and is already installed. I am meticulous about making sure that the size of the sign is appropriate for the locations.

2. Musca Properties, Inc

Contractor: Agile Sign & Lighting

**28601 Chardon Rd. – Baker's Square Sign update – PPN: 31-A-008-0-00-016-0**

Plans received by Building Department 3-15-11

Plans reviewed by Building Department 3-22-11

A picture of the new and old sign was circulated to the Board.

**MASTER PLAN**

Members of the PCABR attended the meeting of the Planning and Zoning Committee of Council earlier this evening. The process of updating the 2003 Master Plan was discussed. Inclusion of Recreation in the City was suggested. There was a Recreation Master plan commissioned by the City about the facilities, uses, and vision for the future. Addition of the 2010 Census data to the 2010 plan is desirable. Pros and Cons of including the proposed Town Center were discussed.

Inclusion of the 2010 Census data: When the Master Plan was sent to Council, the 2010 census information was not fully available. The Board needs to decide how we want to integrate it into our approved Master Plan. It could be a separate chapter, an Appendix, or a separate pamphlet. Census data comparison from 2000 to 2010 will be made. The PCABR clerk will review the document to list census information that is needed. That list will be presented to the mayor's office.

Question: Which is the most updated version Master Plan?

The Master Plan dated March 3, 2010 was sent to Council on a CD in pdf format. Early blue line (additions) and red line (exclusions) versions are available. Council review of the Master Plan using an electronic version via Google Docs had marginal success.

The Council President and Law Director asked the Council Clerk to prepare a side-by-side comparison copy of the MP that shows everything that has changed from the 2003 MP to the 2010 MP. It will show changes in different colors and will include any edits or typos. A full printed version of this comparison was not ready for tonight's meeting of the Planning and Zoning Committee of Council which was held prior to the PCABR meeting because of other projects in the clerk's office. A full comparison copy in a binder is supposed to be ready in time for the next Council meeting. The purpose of this comparison document is to facilitate a line by line, page by page review of the changes, proposals and deletions included in the 2010 Master Plan versus the 2003 Master Plan. No changes by

Council are planned but any recommendations and any identified typos, etc will be noted. The goal is to send it back to PCABR so it can be published in 2011.

The chairman sent a copy of the 2010 plan to D.B. Hart. He had a favorable response. A copy of the 2011 comparison document will be forwarded to the PCABR Chairman.

Recreation: The Recreation Commission made a Master Plan several years ago which has guided development of Roemisch Fields and the Community Center. Incorporation of the Recreation facilities, their uses, and vision for the future of the Recreation program and city facilities into main document of the Master Plan is desirable. It is part of how people would view the city. The Recreation Board should submit what they would want to have included. Mr. Fiebig will contact Councilwoman Fellows who is in the Recreation Commission.

#### Town Center

Everyone has been using the term ‘City Center’ but the term actually used in the 2010 Master Plan is ‘Town Center’.

The Master Plan is the city’s vision for the future. It does not ask for re-zoning. Accomplishing it may take many years. Changes in economic development funding dictate that a different type of planning. Having a preferred direction included protects the city when reviewing proposed development plans.

#### Master Plan Public Portion

**Public Portion opened 8:12 P.M.**

Linda Fulton, 2990 Marcum

How is Loehmann’s Plaza zoned? *It is B-3 with B-2 areas around the outside.*

I think condominiums would be good in that area.

*There is an old master plan for that whole area that is a complete mixed use campus including a residential, retail, recreation and industrial campus. A road was going to be cut straight through. Now there are multiple owners. The area is still called Loehmann’s long after that store is gone. The reality is no one is investing right now. There is a 75% vacancy in shopping malls across the country. SAM’s Club is still paying rent on the building.*

**Public portion closed 7:18 P.M.**

#### UNFINISHED BUSINESS

None

#### NEW BUSINESS

Mr. Fiebig received a telephone call from a resident in Willoughby Hills Towers. There is no crosswalk for residents in Willoughby Hills Tower to get across Chardon Road to get to the grocery store. They have to walk in the road. There is a light but no walkway or sidewalk or curb. A motorized wheelchair had no place to drive. There is a guardrail.

A marked crosswalk with a yellow pedestrian crossing sign was suggested. Concerns about the danger were discussed. The Disability Act only mandates parking spaces, not cross walks. The need for interconnecting pathways inside the shopping areas is in the new Master Plan. The city cannot do it because it is private property. Getting the business owners together is difficult.

**MAYOR'S REPORT**

None

**COUNCIL REPRESENTATIVE'S REPORT**

None

**BUILDING COMMISSIONER'S REPORT**

The architectural firm for O'Reilly Auto Parts contacted the Building Department. The Planning Commission suggestions have been conveyed to them. The O'Reilly store in Macedonia has a hip roof. That was a re-purposed bank building. However, it is important to 'set a tone' for future redevelopment. They have requested an all brick building. Elevation drawings have been requested.

**CHAIRMAN'S REPORT**

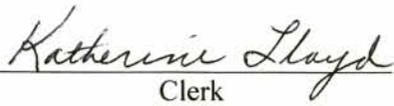
None

**MEMBERS' REPORT**

None

**MOTION:** John Lillich moved to adjourn.  
Seconded by David Fiebig  
**Voice Vote: Ayes Unanimous**  
**Motion Passes**

**Adjourned at 8:30 P.M.**

  
Clerk

  
Chairman

Date Approved April 21, 2011