

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
REGULAR MEETING  
JULY 14, 2016  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Fiala; C. Cox; K. Kary; G. Patt; G. Merhar, Chairman  
**ABSENT:** No One  
**OTHERS:** Michael Germano, Asst. Law Director; Janice Lipscomb, Econ. Devel. Mgr;  
Jim Sayles, City Engr.; Darryl Keller; Chief Bldg. & Zoning Official;  
Vicki Grinstead, Sec'y

**Chairman Gerald Merhar called the regular meeting to order at 7:00 p.m.**

**MINUTES**

Regular Meeting Minutes

June 23, 2016

A motion was made by Greg Patt and seconded Chuck Cox to approve the **Regular Meeting** minutes of June 23, 2016.

ROLL CALL:        Yeas:            B. Fiala; C. Cox; G. Patt  
                      Nays:            None  
                      Abstain:        K. Kary; G. Merhar

**Motion Carried:    APPROVED**

**OLD BUSINESS**

A motion was made by Ken Kary and seconded by Bob Fiala to untable old business.

ROLL CALL:        Yeas:            K. Kary; B. Fiala; J. Merhar; C. Cox; G. Patt  
                      Nays:            None

**Motion Carried:    UNTABLED**

Glenbury III  
(Dusty Keeney)

Final Plat/Improvement Plans

No show- Mr. Sayles stated that the Law Department has not completed the review of their plat. Chairman Merhar asks for a motion to table Glenbury III. Mr. Cox made the motion and Mr. Fiala seconded.

ROLL CALL:        Yeas:            C. Cox; B. Fiala; J. Merhar; K. Kary, G. Patt  
                      Nays:            None

**Motion Carried:    TABLED**

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Fraden Holdings  
(Adam Wojnovich)

Preliminary Plans

A motion was made by Mr. Cox to table Fraden Holdings to Old Business with a second by Mr. Kary.

ROLL CALL:        Yeas:            C. Cox; K. Kary; B. Fiala; G. Patt; J. Merhar  
                             Nays:            None

**Motion Carried:    TABLED**

**NEW BUSINESS**

**Fairway Glenn**  
(Mr. Anthony Slyman)

Preliminary Plans, Phase  
Improvements/Final Plat, EAS

Chairman Merhar stated that these will be 141 single family homes, rezoned from commercial to residential with 50 ft. individually owned lots. Chairman Merhar would like Mr. Slyman to include the school system in the building of these new homes in regard to (EAS) and to discuss bus routing as well. Mr. Slyman agreed to contact school system in these matters. Mr. Fiala referenced Council's comments in regard to the school district and if buses will be able to turn around in cul-de-sacs and if they will need a traffic signal. Mr. Slyman stated the signal would be opposite of Airport Parkway on Lost Nation Road at the main entrance of the development. The reason the signal cannot be put at Lost Nation and Hodgson is that it is in the clear zone. Council's final comment was that there is a maximum height of 35' on the homes on this application, however, the maximum building height is 30' and the applicant will be asked to lower it. Mr. Slyman agrees that they will lower the average height and it will be the required 30' feet at the highest point. Mr. Sayles, City Engineer, stated that sidewalks are not required by code because they are private streets, but the Planning Commission can ask for sidewalks. Mr. Slyman states they were not going to put in sidewalks and they prefer green space, but Mr. Patt and Mr. Kary prefer sidewalks due to safety concerns. All board members very strongly prefer sidewalks. Mr. Patt asked Mr. Sayles what the difference was in width between a dedicated and a private street. Mr. Sayles stated it is same width. The only difference is the city does not maintain it. Mr. Patt asked what if in the future they petition the city to make it a dedicated street and Mr. Sayles replied it will not meet the required setbacks as they will be too close to the street. Public streets would require a 40 ft. setback from the right away, which is usually 13-15 feet from edge of pavement. Mr. Slyman state that there will be no tree lawns and they may only be able to do curbs and sidewalks. Chairman Merhar asked if there is any green space requirement and Mr. Sayles

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stated there was no requirement for a green space. Mr. Cox asked about a Home Owner's Association (HOA) and Mr. Slyman stated they will have one and they will have a board set up by the developer. The HOA will have reserves and assessments (monthly fees) for road repairs and it will be the HOA's responsibly to repair/replace the roads. Mr. Fiala asked Mr. Sayles if the requirements stand, will the board have to have them edit the documents. Mr. Sayles stated he would not approve these documents for engineered construction until they reflect what Planning Commission has requested. Chairman Merhar said he has no problem with sidewalks on one side of street. After much discussion, Mr. Slyman agreed to put in sidewalks on at least one side of street and will push for both sides of street. Mr. Cox wanted clarification on what Phase I entails. Mr. Slyman stated that it is the block right by entrance on Lost Nation Road, which contains 33 lots. Mr. Slyman believes that there will be about four phases and that the building construction will performed by Ryan Homes.

Chairman Merhar asked for a motion. Mr. Cox made a motion for the approval of the preliminary development plans, Phase 1 Plat and the Improvement Plans for Phase I of Fairway Glenn with the recommendation for sidewalks on at least one side, but preferably both sides. Mr. Sayles wanted confirmation on what to approve. Chairman Merhar stated he can approve a minimum of sidewalks on one side, but preferably two. Mr. Kary seconded this motion.

<sup>1</sup>Mr. Fiala asked Madam Secretary to add a footnote.

ROLL CALL:           Yeas:           K. Kary; B. Fiala; C. Cox; J. Merhar  
                              Nays:           None  
                              Abstain:       G. Patt

**Motion Carried:    APPROVED**

**Kirtland Country Club**  
(Mr. Frank Floyd)

CUP-Annual Review

Chairman Merhar stated they are here to review the conditions of the Conditional Use Permit for Kirtland Country Club which was granted last summer (July 23, 2015). Mr. Cox wanted confirmation from Chairman Merhar that they will just be reviewing Condition #6 of the Conditional Use Permit this evening. Chairman Merhar stated that they are reviewing all of the conditions as part of the conditional use. Chairman Merhar states other than the noise issue, they have conformed to all conditions thus far. Mr. Patt asked Mr. Floyd (President of the Kirtland County Club, 2723 Dryden Road, Shaker Hts.) if he thinks the current situation is workable and Mr. Floyd thinks it is workable. Mr. Floyd invited a sound expert from Florida to address not only the sound aspect but to explain the

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<sup>1</sup> Reference City Council's July 13, 2016 EAS review condition per Mr. Fiala

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design of activity center. Mr. Floyd presented Mr. Bill Bergiadis from Troy Acoustics who was retained by The Kirtland Club in order to assist in developing the criteria to meet the conditions of the review process so they may go forward with their Conditional Use Permit (CUP) permit. Mr. Bergiadis states he was at the last meeting and heard the vocal complaints about the audibility of the gun fire. Mr. Bergiadis stated that there was an acoustical study done in January of this year. Chairman Merhar asked if this was the document they received today by HCW and Mr. Bergiadis stated it was. Mr. Bergiadis states ambient sound levels are within the norms of the U.S. per the EPA of 37-50 DBA and is normal throughout the nation. Cities typically accept the levels of about 55 DBA during the day time and at night will drop down to 45. Ambient levels are everyday normal noise levels. Peak levels were as high as 72 and as low as 37 in a home and averaging from 47 to 49. Peak levels for normal gunfire were above ambient without any noise mitigation. Peak levels were at 65 decibels at one location and 72 in another, but the norm were in the 63-64 decibels range, so this is about 13 decibels above the ambient. A 13 DB above ambient is significantly loud. They asked them to change the direction of the gunfire from the approved location, which was south, to an alternate direction. By moving the shooting to one different location the noise level was reduced by 13 decibels. Just by changing the orientation of the gunfire it changed the sound level significantly without any mitigation. Kirtland Country Club would like to proceed with skeet range by changing the orientation of the range and to dig down into the ground at a deeper elevation and create mounds and barriers and attach noise mitigation and absorbent materials on all reflective surfaces within the design. As the design moves forward, they will incorporate a roof within the structure to further reduce the audibility of the gunfire. The gunfire was lower than approved when sent in a different direction and the Kirtland Country Club would like to maintain this location, and proceed with the mounds and barriers as stated above. Since they are digging down there will also be vertical walls to absorb the gunfire. Chairman Merhar asked how deep they were looking to dig and Mr. Bergiadis stated they were looking to go as low as 8 feet, but that will be determined in the final design. Mr. Bergiadis and Mr. Patrick Alexander presented the board with a model of the structure for the range. Mr. Patt asked how many degrees would the gunfire change. Mr. Bergiadis stated his best guess would be a little less than 90 degrees and Mr. Patt stated that it would then be aimed at Lakeland College. Mr. Alexander stated they are more southerly now and they would be more easterly if these changes are made. Chairman Merhar asked Mr. Bergiadis if he can guarantee that the noise will be taken care of by these measures and Mr. Bergiadis said he would absolutely guarantee it. Mr. Bergiadis stated he does this to protect hearing issues for the marines and Mr. Kary applauds his efforts for this but states this is for the Kirtland neighborhood that lives close to this range and this is not about their hearing, it is about their quality of life. Mr. Bergiadis states that in the January, 2016 report the 3-4 decibels levels above ambient were without mitigation. Chairman Merhar wanted confirmation that only the change in direction reduced the sound of the gunfire to or below ambient

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levels and Mr. Bergiadis confirmed that was the case. Mr. Fiala asked if the DB maximum is the actual point at which the hammer hits the shell and explodes and Mr. Bergiadis said that was correct. Mr. Fiala then asked if there was any analysis or report on the psychological differences between ambient noises such as a freeway that is heard every day and gunfire. Mr. Bergiadis stated there is a psychological difference, but did not state if there was an actual report. Mr. Patt asked if they would only reduce the noise but not eliminate it and Mr. Bergiadis stated that was correct. The gunfire will not be eliminated but only reduced. Mr. Patt states the Kirtland Country Club's intent is to reduce the noise level for the residents and that his is to eliminate the noise. Mr. Bergiadis states he cannot eliminate the noise. Mr. Patt stated he sat on Markell Rd. and heard gunfire 30 times in 3 minutes, which is every 6 seconds. He tried to record this on his phone but the file became corrupt and he couldn't use it. Mr. Cox stated at one time there was no skeet shooting range, then we decided to give The Kirtland Country Club a one year trial to see how it would work out, and it has offended residents in the general area, and not just Willoughby, but Kirtland as well. Mr. Cox stated that he was unsure that mitigating this noise or any other term will solve introducing this type of noise into to a neighborhood that had not been there before. Mr. Bergiadis stated that in the previous meeting it was brought up there was a shooting range years ago, however, it is irrelevant. Mr. Cox stated he knows nothing about that. Mr. Floyd stepped in and stated that skeet shooting has been an activity since 1921 and they lost their privilege twenty-five years ago because they allowed their permit to lapse. Mr. Patt stated there were many complaints and petitions back then. Mr. Floyd reiterated that they are trying very hard to reduce the noise levels. Mr. Patt asked if they would consider an indoor shooting range and Mr. Floyd said they will not because they want to perpetuate outdoor family activities, but are trying to be good neighbors. Mr. Patt stated he understands The Kirtland Country Club is trying to be neighborly, but now in the face of all the shootings and shootings on college campuses they will be pointing it toward Lakeland College and some of the residents of Kirtland. Giving an open firearms permit use within a suburb or a city was a concern he had when they issued this Conditional Use Permit. Mr. Bergiadis stated this CUP was issued with no mitigation. Mr. Floyd stated last year at this time Mr. Baldwin came before the board and stated that the Kirtland Country Club was not interested in a one year proposition and will The Planning Commission allow us the condition to move forward and the panel agreed with that. Mr. Kary stated that line #6 on the skeet shooting range stated that it shall be reviewed at this time next year and we did not give you a blank CUP to have a shooting range. The Planning Commission gave you the CUP with the understanding that we would review the conditions after one year. Mr. Floyd states The Kirtland Country Club is reviewing it and we will redefine the facility to improve the conditions, but they cannot eliminate the noise. Mr. Floyd stated that if you had that objection last year then it should have been discussed last year and Mr. Patt stated that they did discuss this and that is why they gave them the one year CUP and took the tour and did the testing and that noise was their concern.

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Chairman Merhar stated noise was their concern but not the elimination of noise. Anyone who goes to a gun range knows you cannot eliminate the noise and it is impractical. Mr. Kary reads from the city's own language on the Conditional Use Permit and when it would not be appropriate: "That the conditional use will not be hazardous or disturbing to the existing and future use and enjoyment of property in the immediate vicinity."

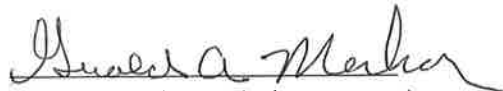
Chairman Merhar would like to table the motion until two weeks from tonight to study sound reports and would like to get a look at what they are intending to do. If it will go forward and will be allowed we will need to give them time to accommodate their construction needs before fall.

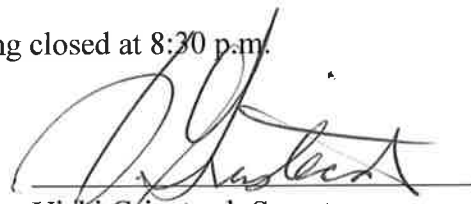
Chairman Merhar asked for a motion to table this discussion. Mr. Fiala made the motion and Mr. Cox seconded.

ROLL CALL:           Yeas:           K. Kary; B. Fiala; C. Cox; J. Merhar  
                              Nays:           G. Patt

**Motion Carried:    TABLED**

There being no further business the regular meeting closed at 8:30 p.m.

  
Gerald Merhar, Chairman

  
Vicki Grinstead, Secretary