

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
REGULAR MEETING  
FEBRUARY 14, 2013  
MINUTES**

**PRESENT:** B. Fiala; C. Cox; Ken Kary; G. Merhar; B. Irvine, Chairman  
**ABSENT:** No One  
**OTHERS:** Mike Germano, Asst. Law Director; Jim Sayles, City Engr.;  
Janice Lipscomb, Econ. Dev. Mgr.; Richard Smith, Chief  
Bldg. & Zoning Inspector; Chris Woodin, Ward 1 Councilman;  
Betty A. Nardelli, Secretary

**Chairman Robert Irvine called the regular meeting to order at 7:05 p.m.**

**MINUTES** **December 13, 2012**

The minutes of December 13, 2012 were approved as written.

**MINUTES** **January 24, 2013**

The minutes of January 24, 2013 were approved as written.

**OLD BUSINESS**

A motion was made by Jerry Merhar and seconded by Bob Fiala to remove all old business from the agenda for discussion.

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

**Motion Carried: APPROVED TO UNTABLE OLD BUSINESS**

<b>FINE ARTS ASSOC.</b> (Deanna Rowe)	P.P.#27A-31-2 Mentor Ave.	<b>Lot split - Andrews / Osborn - create 2 lots Split = Parcel "A" 4.4751 acres Convey to Fine Arts Assoc. R-100 dist.</b>
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Harry Kealer of Fine Arts, Ed Dudley of Riverstone Engineering and Jim Stayer of Andrews/Andrews School represented this lot split application for a 4.4751 acre lot split from Andrews/Osborn property. Mr. Kealer said that the purpose of the lot split is so Fine Arts can be independent of Andrews/Osborn.

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Jim Sayles, City Engineer, said that the metes and bounds for the lot split were approved.

A motion was made by Jerry Merhar and seconded by Chuck Cox to approve the lot split for P.P.# 27A-31-2 Mentor Ave.

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

**Motion Carried: APPROVED**

**NEW BUSINESS**

**DISCUSSION**

**ON THE GREENS** P.P.#27B-52-1  
**PROPERTY CO.** 38890 Hodgson Rd.  
(Anthony Slyman)

**Rezoning -  
19.5733 acres  
G-B to RMF-LR  
Combine w/  
P.P.#27B-52-13  
For 157 S/F lots  
32.3305 acres  
G-B dist.**

Anthony Slyman represented this discussion for rezoning 19.5733 acres of P.P. 27B-52-1 located on the NE corner of Hodgson Rd. and Lost Nation Rd. from General Business to Residential Multi-Family Low-Rise to combine with P.P.#27B-52-13 for 32.3305 acres to develop 157 single family lots.

Mike Germano said that the property has been in litigation and has just recently changed hands a couple of days ago by quick claim. Mr. Germano said the application before Planning Commission this evening states that the property owner is "On The Greens Property Co." Mr. Germano said that the applicant here this evening is not the property owner anymore. The applicant is "On The Greens Development, LLC, Dino Palmieri". Mr. Germano said that we need to know who the true property owner is before the public hearing is set. Mr. Germano said that the Law's position is that the person before Planning Commission is not the owner.

Dino Palmieri of Shaker Hts. Of "On The Greens Development, LLC" said that they have the title and they own the property.

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Don Payne, Attorney for Mr. Slyman and Mr. Palmieri, stated that Mr. Slyman, an authorization of entity, is the signed applicant on behalf of the property owner. Mr. Payne said that "On The Greens Development LLC" is the current deed/title holder recorded yesterday (2/13/13). John Wiles, Law Director, was provided copies of the recorded deeds. Para 4 section 4 lists applicant. "On The Greens Property Co." at the time of filing the rezoning application was the owner. Ownership has now transferred. There are no lawsuits in connection with this entity. Mr. Payne further said there are no encumbrances keeping the owner from pursuing development of this property and from rezoning it. Mr. Payne said that since the rezoning application was filed he knew transfer would occur. Chairman Irvine told Mr. Payne that our counselor said that you don't have standing and I have no reason to dispute that.

Mr. Payne said he spoke to the Law Director two days ago (2/12/13) and he assured him that he had standing. The recorded copy of the deeds was mailed to him. Mr. Payne said that when speaking with the clerk he was assured he would be on the agenda this evening. Mike Germano said that his conversation two days ago also with the Law Director was the opposite. Mr. Germano told Mr. Payne that there are still procedures that have to be followed. Mr. Germano said that the position of the Law Department is that the application has changed. Chairman Irvine said that the opinion is if you have legal standing the way application was submitted. The Law Director is not here this evening to verify that. Chairman Irvine told Mr. Payne to postpone the public hearing for rezoning until the proper application is filed.

No action was taken on this discussion.

<b>FAIRWAY GLENN</b>	P.P.#27B-52-1	<b>Preliminary plan</b>
(Anthony Slyman)	P.P.#27B-52-13	32.3305 acres
	Lost Nation Rd. /	157 S/F units
	Hodgson Rd.	RMF-LR dist.

Anthony Slyman of On The Greens Property Company represented Dino Palmieri, proposed new owner of the property, for discussion for a proposed preliminary plan for a single family residential development with 157 fee simple lots on Parcel "B" and Parcel "C".

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Parcel "C" is zoned RMF-LR and Parcel "B" is zoned General Business which will have to be rezoned to RMF-LR.

Mr. Slyman said there will be a landscape buffer along the entire length of the property along Lost Nation Rd. and continuing around the corner of Hodgson Rd. This buffer will be maintained by the homeowners association. There will also be a split rail fence inside of the buffer along Lost Nation Rd. and Hodgson Rd. in response to Ken Kary's question.

Mr. Slyman said the detention will be on the golf course.

Mr. Slyman said there will be private roads in response to Chairman Irvine's question. Mr. Slyman said that Lost Nation Rd. will have a three-lane driveway but no traffic light in response to Jerry Merhar's question. Mr. Slyman said there will be no auxiliary parking in response to Chairman Irvine's question but the driveways will be longer than shown in the previous plans so more cars can park in the driveway.

Mr. Slyman said there is a 50' golf course easement on the east side of the development near sub-lots 1 thru S/L 20 near a golf course hole near Hodgson Rd. which will be split between the developer and the golf course. A fence will be installed here 25' from the property line to keep golfers from the resident's rear yards.

There was discussion by Bob Fiala regarding a golf ball netting for sub-lots 1 thru S/L 20 and damage claims against the City. Mr. Fiala said there will be more discussion regarding deed restrictions so that the homeowners association can't sue the City for liability of golf ball damage when the plans are submitted formally. Ken Kary said he doesn't see golf balls going into the rear yards of these homes by hole # 1 because that is a long fairway there.

There was discussion on the density. Mr. Smith cited C.O. 1135.04(b) using C.O. 1131 single family regulations complying with R-50 requirements. Mr. Sayles said that R-50 doesn't have a density. Mr. Sayles said that with this parcel using 8 units per acre, 248 units can be built on this property. Mr. Novak said that lot size will determine the density which is 6,000 sq. ft. Some

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lots are 50' wide and some are 54' wide. Which is R-50 replied Chairman Irvine.

Bob Fiala said he wants to revisit the Master Plan. Mr. Fiala said he thinks the Master Plan says to keep that corridor commercial because it is a 4-lane highway there. Mr. Slyman said he tried commercial there and there isn't any call for it.

Being no more discussion Chairman Irvine told Mr. Slyman to resubmit his rezoning application.

No action was taken on this discussion.

There being no further business the regular meeting closed at 8:00 p.m.

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Robert Irvine, Chairman

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Betty A. Nardelli, Secretary