

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

PRESENT: B. Fiala; C. Cox; Ken Kary; B. Irvine, Chairman
ABSENT: G. Merhar
OTHERS: Mike Germano, Asst. Law Director; Janice Lipscomb, Econ. Devel. Mgr.; Jim Sayles, City Engr.; 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 7:07 p.m.

MINUTES

February 14, 2013

The minutes of February 14, 2013 were approved as written.

OLD BUSINESS

NONE

SCHEDULE PH

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 agent for On The Greens Development LLC, Dino Palmieri, represented this rezoning application.

A motion was made by Chuck Cox and seconded by Ken Kary to schedule a public hearing for rezoning for April 11, 2013.

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

Motion Carried: APPROVED FOR PH 4/11/13

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A motion was made by Bob Fiala and seconded by Chuck Cox to table this rezoning application pending a public hearing 4/11/13.

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

Motion Carried: APPROVED

NEW BUSINESS

JUST GROOMING LLC	2132 Lost Nation Rd.	SUP -
(Heather Justin)	Unit #1	Dog grooming salon
		C.O. 1109.10
		L-I dist.

Heather Justin represented this similar use permit application. A public hearing was held earlier this evening. Ms. Justin said she is moving her animal grooming business from Eastlake. Ms. Justin said she will take her animals on a leash outside on the grass in response to Ken Kary's question. Ms. Justin said she will keep no animals overnight. They will be picked up at the end of the day.

The conditions agreed upon are:

1. Hours of operation:
7:30 a.m. until 9:00 p.m. seven days a week.
2. A small trash can shall be kept inside the building.
3. Overnight animal boarding is not permitted.

A motion was made by Chuck Cox and seconded by Ken Kary to approve this similar use permit application with the conditions stated this evening.

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

Motion Carried: APPROVED

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KELLY/ERIC HENDRIX S/L 7
(ARBOR RIDGE) 1481 Westover Dr.

**Grading plan -
Chg to Sub-1A)
Landscape mound
at rear of prop.
RMF-LR / C/O dist.**

JESSICA/HENRY MILLIMAN S/L 6
(ARBOR RIDGE) 1481 Westover Dr.

**Grading plan -
Chg to Sub-1A)
Landscape mound
at rear of prop.
RMF-LR / C/O dist.**

Eric and Kelly Hendrix and Jessica and Henry Milliman represented this grading plan.

Richard Smith said that this proposal was brought before Planning Commission because of a change to the Arbor Ridge development plan (Final Plat). Planning Commission required certain mounding on the development of these single family lots. The grading that was approved applies to the entire development. Mr. Smith said that the grading plan before Planning Commission this evening is only for two lots.

Chairman Irvine said there was an agreement then which was for landscaped mounding at the rear of the property in lieu of a solid physical barrier. There would be mounding and landscaping with intent to shield to provide a barrier between the adjoining property of the multi-family and the single family homes. Chairman Irvine said he didn't know if it was put in a deed restriction. Chairman Irvine said that the reason for the landscape buffers is because of what happened to the single family lots in Cross Creek with different types of fences.

Ms. Hendrix said their rear yard elevation is 619 and it is in the middle of the property. She proposes to move the mound to the rear of the property so they can have usable land. The mound was there when they bought the property. The distance from the rear of the house to the rear property line is 90'. Half the yard is taken up by this mound.

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Sam Suhail, engineer for the Hendrix's and Milliman's two lots, S/L 6 and S/L 7, said that the dark line on the submitted site plan is the high point of the proposed mound to Bob Fiala's question. They are pushing the mound to the rear of the property which is at the 617 level. The level is 616 in back of the mound. The purpose of the mound is to keep water from going onto the property located behind these two lots. There is no intent to have a physical barrier between the single family homes and the condos.

Chairman Irvine said this change defeats the purpose of the original mound which was to provide a screen. Chairman Irvine said that they are asking us to eliminate one of the issues that was the most significant part of the plan. There was a huge discussion on this at the time of the plan approval.

Sam Suhail said they will need 9' to get a 3' mound in response to Chairman Irvine's question. 20' is lost to get this 3' mound. Mr. Suhail said there is no problem putting shrubbery on the mound if the mound is pushed back.

Jim Sayles said the ratio for a mound this size is 2 ½ to 1 in response to Chairman Irvine's question.

Chairman Irvine asked the applicants if they were allowed a reduction in the height of the mound would they give a better barrier? Mr. Suhail said yes. Mrs. Keller said they will lower it down to 1' in response to Chuck Cox's question.

Richard Smith said that there are about 25 similar lots like these two lots in that development. What happens here will set a precedent to future actions.

Ken Kary was concerned about losing more trees on his lot which is located at the rear of these two lots.

Chairman Irvine said the alternative is a stone wall. One side or the other cuts slope in half and consumes 9' of land for the wall. Mr. Suhail said it is doable.

Jim Sayles said a deeper slope sheds more water. Water soaks in on a flat slope in response to Chairman Irvine's question. Mr. Sayles said to submit a drawing that shows the change in area of water

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draining on Cross Creek property and slope. Chairman Irvine said we'll table this until a drawing is submitted for the Building and the City Engineer to look at and assess it. Mr. Cox said we need two sets of calculations. One set as designed now and the amount of water going into it. The other set is with the mound further back and amount of water going into it.

A motion was made by Chuck Cox and seconded by Bob Fiala to table this grading plan for S/L 6 and S/L 7.

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

Motion Carried: TABLED

MELROSE FARMS	S/L 38 - 49	Final plat -
(Chuck Sucs)	Steve Guard Ct. &	Phase 2
(Loreto Iafelice)	Gold Rush Dr.	Improve. Plans -
		Subdiv. 2
		R-80 dist.

Chuck Sucs, Engineer of Polaris, and Loreto Iafelice, Developer, represented this final plat for 12 lots for phase II. Four of the sub lots are from a lot split approved in 2012 and are to be included in this phase. Mr. Sayles said that two utilities were changed on the title page. Mr. Sayles also said that the applicants were asked to extend the storm sewer between S/L 45 and S/L 46 to the rear yard area. They had a problem with run off coming off of Adkins Rd. Mr. Sayles said that the lots conform to the preliminary plan of the entire sub division.

A motion was made by Bob Fiala and seconded by Ken Kary to approve the final plat phase II.

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

Motion Carried: APPROVED

A motion was made by Chuck Cox and seconded by Ken Kary to approve the improvement plans for Sub Division 2.

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

Motion Carried: APPROVED

LAW DEPARTMENT
(John Wiles)

**Amendment -
C.O. 1111.06
St. & Pub. Util maint.
Maint. bond**

Mike Germano, Asst. Law Director, represented this amendment. Mr. Germano said that currently the maintenance bond is equal to 100%. Mr. Germano said that the amendment is to permit the developer and/or contractor to deposit an amount to be equal to 25% of the total project cost and valid for two years which has to be approved by the Law Director.

A motion was made by Chuck Cox and seconded by Ken Kary to approve C.O. 1111.06 amendment recommending that City Council approve it.

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

Motion Carried: APPROVED

DISCUSSION

**KIRTLAND TUDOR
ESTATES**

Kirtland Rd.

**Prelim. Plan -
Revised**

Mike Caito)
(Kevin Callahan)

S/F lots, cluster lots
RMF-LR dist.

Michael Caito, Architect of Payne & Payne Builders, represented this discussion. Mr. Caito said that the original site plan of 2007 included 50 units and they want to reposition the design of the model homes. Mr. Caito said they are at 2.8 units per acre. It was a multi family project with attached groups of 1, 2, 3 and 4 units and one 5. Two of the units were stacked on top of one another. On the plan this evening the light green units are constructed which is phase 1. Mr. Caito said the dark green units on the plan are

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changing of which they are moving to single family detached homes and setting on their own envelope lot. Mr. Caito said that in 2007 the project was condo and now it is fee simple. Mr. Caito said that that they are decreasing the amount of cul-de-sacs in the road, minimizing the amount of drive ways and amount of green space. They are detaching units and they will be a minimum 10' apart. They are changing the 30' front yard setback to 20'. Some of the homes will have front attached garages and some homes will have side attached garages. Mr. Caito said that they will be consistent with what is already built. Photos were submitted of the existing buildings of phase 1. Mr. Caito said that the dark brown units in the drawing have 2-car driveways which allows for guests. The light colored units in the drawing is what they are marketing.

Mr. Caito said that they had 50 units and now have 51 units in response to Bob Fiala's question. The streets are private.

Richard Smith said the side yard setback is 5' for fee simple lots on 50' wide lots. Mr. Caito said that unit #34 shows up as the blue line is the lot description in response to Richard Smith's question. Mr. Smith said that the building needs to be 3' off the property line which is a fire wall and window. Mr. Smith said that #34 looks like it is 2' off the property line. Mr. Caito said they will try to make it 5'. Mr. Smith said that it has to be 30' between secondary walls which is the bedroom.

Chairman Irvine said that they need to meet with Richard Smith about what variances will be needed, revise the plan with a list of variances needed. Mr. Smith said that that the plan needs to show lot dimensions so they can see what the setbacks are.

Richard Smith said the variances are needed first before coming before Planning commission in response to Chairman Irvine's question.

No action was taken on this discussion.

There being no further business the regular meeting closed at 9:00 p.m.

Robert Irvine, Chairman

Betty A. Nardelli, Secretary