

**PLANNING COMMISSION
CITY OF WILLOUGHBY
OCTOBER 14, 2010
REGULAR MEETING
MINUTES**

PRESENT: B. Fiala; G. Merhar; C. Cox; B. Irvine, Chairman
ABSENT: R. Hart
OTHERS: Mike Lucas, Ass't. Law Director; Jim Sayles, City Engr.;
Janice Lipscomb, Econ. Dev. Mgr.; Betty A. Nardelli,
Secretary

Chairman Robert Irvine called the regular meeting to order at 7:10 p.m.

MINUTES

September 23, 2010

The minutes of September 23, 2010 were approved as written.

OLD BUSINESS

A motion was made by Chuck Cox and seconded by Bob Fiala to remove all tabled items from the table for discussion.

ROLL CALL: Yeas: B. Fiala; G. Merhar; C. Cox; B. Irvine
Nays: None
Absent: R. Hart

Motion **CARRIED** **APPROVED TO UNTABLE ALL TABLED ITEMS**

**KIRTLAND TUDOR
ESTATES**
(joe Znidarsic)

Kirtland Rd.

**Text Amend - MF envel. lot
devel. in R-MF dist.**
1. C.O.1103(b)(85)
Add - (d)"envelope Lot"
2. C.O. 1109.04(a)
Add - (4) adding env. lot
devel. to exist. aprv'd grp
devel.
3. C.O. 1135.04(b)
**Revise - 1st sent. for 1-fam
& 2-fam on indiv sub. Div.
lots to comply w/R-50 dist.
regs. set in C.O.1131**
4. C.O. 1135.04
**Add - (i), (i), (ii), (iii),
(iv), (v), (vi), (vii) &
(viii)**
5. C.O. 1135.09

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KIRTLAND TUDOR CONTIN:

Add - "reqs. dev. plan
apr'v'l of prev. aprv'd dev.
when env. lots proposed"
6. C.O. 1161.07(a)
Amend - **pkg sp req'd when
loca. on same lot as dwell.
Unit for envel. Lot**
RMF-LR dist.

The report from D.B. Hartt, consultant, was received. The Kirtland Tudor text amendment is in process. Mike Lucas said that D.B. Hartt made some suggestions on the text amendment. It will be up to the Planning Commission to act on these suggestions. Joe Znidarsic, Kirtland Tudor's attorney, received a copy of the D.B. Hartt report.

Chairman Irvine said that Mr. Hartt suggested several modifications to the text amendment. **#1.** The current definition of "lot" needs to be amended so it is clear "envelope lot" is explicitly an exception to the definition so lot used elsewhere in the text doesn't get misinterpreted as envelope lot or vice versa. Chairman Irvine said he doesn't believe that by adding **#4.** in Section 1109.04(a) is necessary since all multiple family developments regardless of ownership or rental agreement are currently subject to Development Plan Review.

Mike Lucas said that the text amendment is adding a new subparagraph which includes "envelope lot group development" which is underlined in the text amendment. There is also a provision for common owned open spaces for recreation and privacy that shall be shown and described in the development plan. Mr. Lucas said that Mr. Hartt is saying a lot of the subparagraph is duplicative.

Chairman Irvine said that the specific requirements of subparagraph (i) in **#3** of the text amendment which will be added to Section 1135.04 can be simplified by three points one of which is **(a)** to incorporate within the definition of "envelope Lot", attachments of decks, porches and bay windows to the dwelling. Ownership of an "envelope Lot" does not alter responsibility to comply with other standards of the zoning code. Chairman Irvine said that this was not in our text amendment draft that is before Planning Commission. Mr. Lucas said no it isn't. Chairman Irvine said that "envelope lot" doesn't necessarily coincide with the footprint of the dwelling which in this case you wouldn't be able to build a deck or porch. Mr. Merhar said this could be an issue down the road.

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Mr. Lucas said you would be building in the common area then.

Mike Lucas said there are only six units in the Kirtland Tudor development. Lot 5A and B are stacked units. Mike said stacked units are an option to Chuck Cox.

Chairman Irvine said that one of Mr. Hartt's suggestions is to apply the "envelope Lot" concept to other multiple family residential districts.

Mike Lucas said that "envelope" is fee simple. The owner of the unit is the property owner not the home owners association.

Jerry Merhar questioned if space could be titled in the case of stacked units. Janice asked if the top unit would have to own some ground for a driveway and walkway. Chairman Irvine said his interpretation of Mr. Hartt's report is that you could deed one space above the other. Mr. Lucas said that you could but he didn't think the top unit would own ground. The common area would allow you to get to the second floor.

Mr. Merhar said that we should look at developments beyond the Kirtland Tudor development.

Mr. Lucas said he will review the comments made this evening. Mr. Lucas said that Mr. Znidarsic should be at the next meeting.

A motion was made by Bob Fiala and seconded by Jerry Merhar to table this text amendment.

ROLL CALL: Yeas: B. Fiala; G. Merhar; C. Cox; B. Irvine
 Nays: None
 Absent: R. Hart

Motion **CARRIED** **TABLED**

PLANNING COMMISSION	38101 Euclid Ave.	Rezone - discuss
(Janice Lipscomb)	(Ed Figler)	.31A. / 13,504 s.f.
	38103 Euclid Ave.	
	(Ed Figler)	.47 A / 20,473 s.f.
	38109 Euclid Ave.	
	(Jeff Black)	.56 A / 24,394 s.f. R-B to D-B zoning

Janice Lipscomb represented this rezoning proposal. Jerry Merhar wanted to know why these parcels were never included in the Master Plan. Chuck Cox said it was an over sight. Mr. Merhar said that

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Sharp Ave. is a natural break point for Down Town Business Zoning. After Sharpe Ave. it becomes Retail Business.

It was suggested that the "Tech Center" property be rezoned also to Down Town Business in the near future. Mr. Merhar said the natural break point there would be the "Park" point.

Bob Fiala questioned the Retail Business and Residential Multi-Family Low-Rise "split zoning" that runs through the "Tech Center". Ms. Lipscomb said that we can change that.

No one had a problem with this rezoning.

A motion was made by Jerry Merhar and seconded by Chuck Cox to approve the rezoning of these four parcels from Retail Business to Down Town Business.

ROLL CALL: Yeas: B. Fiala; G. Merhar; C. Cox; B. Irvine
 Nays: None
 Absent: R. Hart

Motion **CARRIED** **APPROVED**

NEW BUSINESS

CHRISTIAN & MICHELLE LIM	38501 N. Beachview Rd. P.P.#27B-56A-86	Lot split/consol Split - .0543 A CON. - .1603 A
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Christian Lim represented this lot split and consolidation application. Mr. Lim introduced Michael Villanueva, his neighbor, who is also on tonight's agenda for the same type of lot split.

Jim Sayles, City Engineer, said that the City owns this proposed split parcel. It is part of a parcel that runs along the Lake and goes out to the Lake behind this Lim parcel. The split is from the City owned property. After the split it will be attached to the NE of Lim's property.

Mr. Lim said that the hillside is owned by the City. Because of erosion it becomes landlocked. Mr. Lim said because it is City owned land he wouldn't be able to do any erosion control. Mr. Lim wants to purchase the property to protect his present property.

Mr. Lim said that Chris Woodin, Councilman for that area, spoke to individuals in this neighborhood in response to Mr. Cox's question

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about purchasing the property. Mr. Lim said that the City is releasing this property. The residents pay for the survey and the title company for the paper work.

Mr. Sayles said that the parcel in question is currently not protected by erosion control in response to Mr. Cox's question.

Bob Fiala advised Mr. Lim that Council has to approve the legislation for the sale of the City owned property.

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the lot split and consolidation contingent on the City Engineer's approval of metes and bounds, the Law Department approval and Council's approval.

ROLL CALL: Yeas: B. Fiala; G. Merhar; C. Cox; B. Irvine
 Nays: None
 Absent: R. Hart

Motion **CARRIED** **APPROVED**

MICHAEL VILLANUEVA	38503 N. Beachview Rd. P.P.#27B-56E-4	Lot split/consol Split - .0467 A Con. - .1740 A R-50 dist.
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Michael Villanueva represented this lot split and consolidation. Mr. Villanueva is requesting this proposal for the same reasons as Christian Lim who was approved earlier this evening.

No one had a problem with this proposal.

A motion was made by Jerry Merhar and seconded by Bob Fiala to approve the lot split and consolidation contingent on the City Engineer's approval of metes and bounds, contingent on the Law Department approval and subject to Council's approval of the legislation.

ROLL CALL: Yeas: B. Fiala; G. Merhar; C. Cox; B. Irvine
 Nays: None
 Absent: R. Hart

Motion **CARRIED** **APPROVED**

BRECKENRIDGE VILLAGE	36853 Ridge Rd. P.P.#27A-18-8	Lot split 7.2261 acres - split 30.3787 acres-resid RMF-LR dist.
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Breckenridge Village's appeal at the 10/13/10 Board of Zoning

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Appeals was tabled therefore Planning Commission cannot act on this lot split until the variances required are in place.

A motion was made by Jerry Merhar and seconded by Bob Fiala to table this lot split application pending the approval of variances by the Board of Zoning Appeals.

ROLL CALL: Yeas: B. Fiala; G. Merhar; C. Cox; B. Irvine
Nays: None
Absent: R. Hart

Motion **CARRIED** **TABLED**

DISCUSSION

LOWELL RUPLE 2270 Lost Nation Rd. Brush & wood mulch
Processing site
L-I dist.

Lowell Ruple represented this discussion. Mr. Ruple said that he wants to receive the brush where as before he would take his machine to the site and grind the brush up. He won't create huge piles. As the brush is ground it will be put into huge semis and driven away to mulch supplier companies or Akron Energy who purchases bulk mulch. Mr. Ruple said he wants to do shredding and composting in response to Chairman Irvine's question.

Mr. Ruple said that his lot is 4.5 acres but he will use 1.5 acres of it for the mulching facility. The lot is adjacent to an Eastlake residential area in response to Jerry Merhar's question. Mr. Merhar said that the residents won't be happy because of the dust created by the mulching process. Mr. Ruple said that the Demilta facility on Erie Rd. is near a residential area and they use water to keep the dust down.

Mr. Ruple said that the City's shredder plant would be ideal for this because the mulching could be done inside the building. Mr. Ruple said that he demonstrated his grinding process to the Service Director who said it does a nice job, isn't too noisy and that was the end of it. He did not give any feed back on his objection to the use of the shredder plant in response to Chairman's Irvine question. Mr. Ruple said the shredder plant would have to be repaired. His son is in the business of repairing commercial buildings. Mr. Sayles said the shredder plant is on a separate parcel than the landfill.

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Mr. Merhar said that this facility could also be at the old chemical place on Pelton Rd.

Mr. Ruple said that the Health Department is willing to give him a permit if he gets Planning Commission approval. Mr. Ruple said that the Health Department prefers controlled sites rather than people dumping on vacant lots.

Mr. Ruple said that he won't store the finished ground product. He'll load it into a semi immediately and drive it off of the site.

Mr. Ruple said that the building is large enough for what he wants to do in response to Chairman Irvine's question.

Janice Lipscomb said that she will talk to the Mayor regarding this proposal.

No action was taken on this discussion.

PLANNING COMMISSION
(Janice Lipscomb)

**Lake Front Gateway
Zoning districts -
Discussion**

Janice Lipscomb represented this discussion and requested that a work session be scheduled.

A motion was made by Jerry Merhar and seconded by Bob Fiala to schedule a work session for 6:00 p.m. on November 18, 2010.

ROLL CALL: Yeas: B. Fiala; G. Merhar; C. Cox; B. Irvine
 Nays: None
 Absent: R. Hart

Motion **CARRIED** **APPROVED FOR A WORK SESSION 6:00 P.M. 11/18/10**

There being no further business the public hearing closed at 8:30 p.m.

A tape of this public hearing is available for review in the office of the Planning Commission Secretary.

Robert Irvine, Chairman

Betty A. Nardelli, Secretary