

**PLANNING COMMISSION
CITY OF WILLOUGHBY
OCTOBER 28, 2010
REGULAR MEETING
MINUTES**

PRESENT: R. Hart; B. Fiala; C. Cox, G. Merhar, Vice Chairman
ABSENT: B. Irvine Chairman
OTHERS: Mike Lucas, Ass't. Law Director; Janice Lipscomb, Econ.
Devel. Mgr.; Jim Sayles, City Engr.; Richard Smith, Chief
Bdg. & Zoning Inspec.; Betty A. Nardelli, Secretary

Vice Chairman Gerald Merhar called the regular meeting to order at 7:06 p.m.

MINUTES

October 14, 2010

The minutes of October 14, 2010 were approved as written.

OLD BUSINESS

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

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

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)(i),
(i)(ii), (i)(iii), (I)(IV),
(i)(v), (i)(vi), (i)(vii)**

5. C.O. 1135.09

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KIRTLAND TUDOR CONTIN:

Add - "reqs. dev. plan
aprv'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.

Mike Lucas submitted two copies of the draft. One copy shows the changes made based on the discussion Planning Commission had at their last meeting. The other copy shows a clean copy without the black lines for deletions and amendments that were made.

Joe Znidarsic, attorney, represented Tudor Estates. Mr. Znidarsic said there is no change recommended by D.B. Hartt in his report that they wouldn't do if it is Planning Commission will to do.

Mr. Znidarsic said that he selected two changes to the Hartt report. One was **#2** of the "**Suggested Modifications to the Proposed Amendments**" on page two which D.B. Hartt said it was not necessary to add No. 4 to Section 1109.04(a) (Ord. Sec. 2). Mr. Znidarsic asked Planning Commission to leave this in. The other change was **Paragraph 3(b)** of the "**Suggested Modifications to the Proposed Amendments**" on page two of which D.B. Hartt said was redundant. Mr. Znidarsic suggested that this paragraph be left alone because it is a new concept being introduced. It is more user friendly to have it the way it is. The point is you don't have "**envelope Lot**" anywhere in the code now. This is the one place you'll look for it.

Mr. Znidarsic said that every other suggestion in the D.B. Hartt report he incorporates it.

Section 4(iii) addresses some of the concerns Planning Commission had about an established envelope lot if a deck is built or a bay window added and extends out beyond the parameter of the envelope lot boundary if the building is on the lot line. It is against the ordinance because it has to be inside the lot whether it intrudes on the adjacent lot or on the common area it is not permitted under the code.

In the heading of the draft, Chuck Cox brought this change to everyone's attention which is: "**For**" should be changed to "**to include**".

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The heading in the draft should read as follows: "Ordinance Amending the Zoning Code to include Multifamily Envelope lot Developments, etc."

Richard Smith found another error in the draft which is on page one and in the last sentence of Section 1 (d) - "all lots must be on an approved private street and not on a public street".

Vice Chairman Merhar said that we're looking at an envelope lot that is floating in the air yet you can put pins in it for staking out a lot. Mr. Lucas said it's a difficult concept and you can get a legal description for it. They do this in New York City. Mr. Znidarsic said that you set a pin on the outside of the structure using a smaller pin. Mr. Znidarsic said that what you can't do is sell air. There is no legal description for air.

Mr. Znidarsic said that the envelope lot that is on the ground floor and is extended up to the second floor is a different owner in response to Chuck Cox's question. Mr. Znidarsic said taxes are collected from both envelope lots, bottom floor and upper floor. They also have a vote in the Homeowners association.

Mr. Znidarsic agrees with the D.B Hartt report on page 2 and paragraph 2 - "Both the condominium and fee simple are forms of Ownership". Mr. Znidarsic said that the bottom line is that there isn't something you can do with fee simple that can't be done with condominium. Mr. Znidarsic said that you deal with less density with fee simple because you are defining a larger footprint - only different.

Vice Chairman Merhar cited the D.B. Hartt report where Mr. Hartt stated that "Envelope Lot" concept can be applied for other multiple family residential districts as well. It also can be used in commercial developments.

Mr. Znidarsic said he will make the corrections mentioned this evening and send the corrected draft out.

Kevin Callahan, owner of Tudor Estates, thanked everyone for approving the draft.

A motion was made by Bob Fiala and seconded by Chuck Cox to accept the text amendment as submitted with the amendments spoken by Richard Smith and Chuck Cox this evening and after the Law Department's review.

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

Motion **CARRIED APPROVED**

BRECKENRIDGE VILLAGE	36853 Ridge Rd.	Lot split
	P.P.#27A-18-8	4.2261 acres - split
		30.3787 acres-resid RMF-LR dist.

James Milligan, JMM Architects, represented this lot split to split 3.88 acres which includes the Right-of-Way of 0.3589 acres. The Board of Zoning Appeals granted eight variances at their October 27, 2010 meeting for the lot split. The following variances were granted: a minimum of 3.88 acres of the required 5 acres, the setback of the maintenance garage, 0' setback for two buildings, building height, density, lot coverage, dwelling units number, parking setback and number of parking spaces.

Mr. Milligan said that when the new building was built 32 years ago the 3.88 acre lot split was never filed along with the mortgage. HUD requires a separate parcel for HUD loans. Since the building was constructed the Zoning Code changed. Two years ago the Osborne building was connected with two buildings and straddled the original line. The original line runs through the building so this lot split will adjust the line.

A motion was made by Rick Hart and seconded by Bob Fiala to approve this lot split as requested.

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

Motion **CARRIED APPROVED**

NEW BUSINESS

CARDIOVASCULAR CONSULTANTS (Brenda Burkhammer)	4650 Beidler Rd.	CUP - Med. Clinic/ urgent care fclt'y C.O. 1145.03(a)(4) L-I dist.
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There was no representative present this evening.

