

**PLANNING COMMISSION
CITY OF WILLOUGHBY
MAY 28, 2008
PUBLIC HEARING
MINUTES**

PRESENT: R. Hart; B. Fiala; G. Merhar; C. Cox; B. Irvine, Chairman
ABSENT: No one
OTHERS: Mike Lucas, Ass't. Law Director; Jim Sayles, City Engr.;
Janice Lipscomb, Econ. Devel. Mgr.; Richard Smith, Chief
Bdg. & Zoning Inspec.; Jerry Ranally, Ward 3 Councilman;
Rob't Carr, Ward 4 Councilman; Eric Barbe, Civil Service
Commission; N.H. Reporter; Betty A. Nardelli, Secretary

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

The legal notice was read into the record for the following:

D.B. MOTORS (Drago Babic)	38151 Airport Pkwy #56	CUP - Body work / Vehicle repair L-I dist.
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The following spoke **FOR** the proposal.

Drago Babic
1418 E 361st St.
Eastlake, Ohio 44095

Mr. Babic stated that he would like to do light mechanical and body work on vehicles.

The following spoke **AGAINST** the proposal.

No one

MARY ROSE ESTATES (Marla Caserta)	34251 Ridge Rd.	CUP - 40 unit congreg. Care fclt'y (Hud 202 Apts.) C.O. 1135.03(c) (6) RMF-LR dist.
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The following spoke **FOR** the proposal.

Jim Stary, Pres.
New Alternatives Inc.
Consultant to Mary Rose Estates
34251 Ridge Rd.
Willoughby, Ohio 44094

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Mr. Stary said that the proposed building is for 40 units designed for affordable housing for 62+ senior citizens. Mr. Stary said that there is a significant need for affordable housing in Willoughby to serve the 62+ senior citizens. The basis being the actual waiting list of 2 years with a turnover of 5 or 6 suites a year for the Lithuanian Center adjacent to this proposed building. The numbers are increasing of people eligible for this housing. Mr. Stary stated that is the reason They are moving forward with this proposal.

Rose Mary Trenka
The Lithuanian Center
34251 Ridge Rd.
Willoughby, Ohio 44094

Mrs. Trenka stated that as a senior adult with low income and living at the Lithuanian Center she speaks personally for HUD sponsored housing. Mrs. Trenka stated that many elderly people need help and that is what the proposed Mary Rose Estates will provide. Mrs. Trenka said that it is important to have safe congenial and secure housing and that is what they enjoy at the Lituanian Center. Mary Rose Estates will provide the same. Mrs. Trenka stated that she realizes that the neighbors are opposed to it but if they could see the reason behind the petitions for the new building perhaps they would change their minds.

Mariann Stachnik, Lithuanian Pres.
34251 Ridge Rd.
Willoughby, Ohio 44094

Ms. Stachnik stated that working with 82 Lithuanian residents dailey she knows what they need. Ms. Stachnik said that they have hired and contracted the best professionals to ensure that the project will be done with the utmost respect to the environment, City of Willoughby and neighbors with whom they would like to have a good relationship and harmony and do something together with Willoughby to make such a place for everyone to live. Ms. Stachnik submitted a petition and 48 signatures from the Lithuanian Center residents in favor of the new building.

Chairman Irvine read into the record the submitted petition with 48 signatures which is available in the Secretary's office in the Building Department.

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Cheryl Barber
5640 Grand PL
Willoughby, Ohio 44094

Ms. Barber stated that she has been a Willoughby resident for 30 years of which 3 years have been at the present address. Ms. Barber stated that she was a social worker and has worked with people who reside in subsidized housing and that the 2 years waiting period is low compared to Breckenridge which is has about a eleven years waiting list. Ms Barber said she was offended by the tact taken by the opposition that is concerned about green space. Ms. Barber said that the elderly deserve a place to live.

Colleen Cahill
32102 Dickerson Rd.
Willowick, Ohio 44095

Ms. Cahill stated that this 40 unit facility is needed. It will not take away from the property or property values which someone said decreases 30%. The economy has taken care of that. Ms. Cahill stated that they are trying to house elderly people with low income who want to live in a safe comfortable neighborhood. They want to be respected and loved. Ms. Cahill further stated that she heard the new building would be a burden on the fire and police department. Then the Breckenridge Village upgrades shouldn't have been approved because they have the same burdens as the Lithuanian Center and Mary Rose Estates. Breckenridge is a nursing home and assisted living facility which has been expanding since 2001. They have not expanded in the subsidized area for low income seniors.

Chairman Irvine advised the audience that HUD which is a financial means is not relevant to these discussions. The discussion is for a conditional use permit.

The following spoke **AGAINST** the proposal.

Vincent Gelgolis
Lithuanian Center
34251 Ridge Rd.
Willoughby, Ohio 44094

Mr. Gelgolis said that the rear yard is a metro park for the Lithuanian Center residents who don't drive and sit in the rear yard enjoying the scenery. Mr. Gelgolis submitted a petition with 14 signatures against the new building. Mr. Gelgolis said that one

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of the residents would like to speak but fears she'll be evicted if she does.

Chairman Irvine read into the record the submitted petition with 14 signatures which is available in the Secretary's office in the Building Department.

Randy Klammer, Atty
6990 Lindsey Dr.
Mentor, Ohio 44060

Randy Klammer, Attorney, represented John and Joan Minarich who are 23 year residents of 34300 Beacon Dr. Willoughby, Ohio 44094. Mr. Klammer submitted a brief for the record. Mr. Klammer stated that the Ordinance wouldn't allow the existing 82 unit 6-story building. Looking at the new building the old building couldn't fit on the property. Mr. Klammer said that C.O. 1135.04 requires 5 acres and the property is 4.2 acres. The proposed building takes up 2.7 acres. The Ordinance also requires a maximum of 8 units. The old building had parking problems and the proposal has parking problems. Per C.O. 1135.05 the new building exceeds the required 35' height. Mr. Klammer submitted a petition with 30 pages of signatures.

Chairman Irvine told Ms. Lipscomb to add building height, green space, buffer reduction, unit density, 5 acres minimum, devaluation, removal of trees, drainage, loss of privacy, increased noise, and threat of rodents to the relevant list.

Richard Marsh
5979 A Halle Farm Dr.
Willoughby, Ohio 44094

Mr. Marsh submitted global pictures of the Lithuanian Center and surrounding area. Mr. Marsh stated that as far as he is concerned this is a "not in my back yard" issue. Mr. Marsh stated that he considers the Lithuanian Center good neighbors. He opposes another building on this site. Another building will decrease the quality of life for both the residents of the present building and the surrounding neighbors. Mr. Marsh said that he has heard repeatedly that the residents of the Lithuanian Center building complain about the loss of green space and the ability to be outside and enjoy the property. Mr. Marsh stated that the people here this evening are asking out City to do two things: protect our green space and keep our property values. Mr. Marsh submitted a petition and signatures from several wards of the City.

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Bob Fiala said that his area was one area Mr. Marsh walked and he would like it entered into the record the correspondence to him with 43 petition signatures stating what Mr. Marsh stated this evening.

Chairman Irvine stated that HUD is a financial instrument and he doesn't want to hear any more about it. Any questions should be about the conditions for congregated living on this piece of property.

Martha Marsh

5979 A Halle Farm Dr.
Willoughby, Ohio 44094

Mrs. Marsh stated that she lives very close to the Lithuanian property and agrees with her husband that the Lithuanian Center are fine neighbors. Mrs. Marsh said she has no objections with the existing building but if the new building goes forward there will be trouble and it will create offensive light pollution 24 hours a day from the stair wells and grounds. The 40' elevation of the proposed building is much higher for her because of the 10' difference between the site and her property. She is concerned about the replacement of trees that will be removed. Mrs. Marsh wanted to know if topo studies were done for storm water flow and is concerned about the detention pond becoming a breeding place for mosquitoes.

Chairman Irvine stated that the City has a storm water run off ordinance regarding that a new project does not contribute any more run-off than what exists. Chairman Irvine told Ms. Lipscomb to add light pollution and storm water run-off to the relevant list.

James Shelton

6003 A Halle Farm Dr.
Willoughby, Ohio 44094

Mr. Shelton was concerned about the view when he looks out from his window or door or when walking in the neighborhood if this building is built.

John Minarich

34300 Beacon St.
Willoughby, Ohio 44094

Mr. Minarich sated that he is not opposed to the Lithuanian Center or the elderly. He is 61 years old. He also is not opposed to Breckenridge Village. He is opposed to home values. The proposed building will not add a tax base to the City. The proposed building will add an extra burden to City services. Mr. Minarich cited C.O.

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1155.07(q)(5) regarding that the Fairway's Assisted Living facility is less than 2,000 ft. away from the Mary Rose site and he thinks there is a conflict there. Mr. Minarich doesn't understand how a new building can be added to the property when the original building was grandfathered and doesn't meet the current Code. Mr. Minarich stated that he would like to see this proposal tabled.

David Yohe

34250 Beacon Dr.
Willoughby, Ohio 44094

Mr. Yohe is concerned about water run-off and wants a chance to look at what the Engineer looks at. The zoning is currently RMF-Low Rise and currently there is a 6-story building on 4.2 acres of which it should have 5 acres. Mr. Yohe said that if another building is added to this property it will seem like the Pineride Apartments complex that is across the street. Mr. Yohe cited the senior citizen zoning that was voted down by 88.5% in Willoughby Hills. Mr. Yohe said it had nothing to do with being against senior citizens it's that they wanted green space. Mr. Yohe also stated that he received an e-mail that the Mary Rose estate representatives had another site located for their building and chose not to take it. Mr. Yohe submitted a copy of that letter and copy of the Willoughby Hills election results.

Chairman Irvine advised everyone that Willoughby Hills has referendum voting and is not pertinent to us.

Jeannette McDonald

1900 Fairway
Wickliffe, Ohio 44092

Ms. McDonald stated that she has been in real estate for 30 years and that she is familiar with Halle Farm Dr. and Halle Estates and it is her professional opinion that the proposed building will devalue homes considerably in the proposed Mary Rose Estates site area. Ms. McDonald strongly recommends that Planning Commission turn down this proposal.

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Donna Yohe

34250 Beacon Dr.
Willoughby, Ohio 44094

Mrs. Yohe who lives in back of the Lithuanian Center stated that there is an issue with the Fire and Safety Forces because with 40 additional units it will increase the burden on them because we have Breckenridge Village, two sub-divisions on SOM Center Rd. plus a lot of residential areas to care for in this congested area. Mrs. Yohe wanted to know if Planning Commission will request a traffic study of this area. The service entrance for the new building is a concern because it is near their home. Mrs. Yohe said that a building with 40 units is being shoe horned onto small planned acreage.

Chairman Irvine stated that the Ingress Egress Board approved the site plan. Chairman Irvine told Ms. Lipscomb to add traffic study to the relevant list.

Chairman Irvine decided to allow Marla Caserta, Architect, to present and explain the plan and respond to the resident's questions and concerns.

Marla Caserta of Dorsky Hodgson Parrish Yue, 23240 Chagrin Blvd. Beachwood, Ohio 44122 presented a colored rendering of the site plan and elevations of the building. Ms. Caserta stated that they are applying for a conditional use permit for a 40 unit congregate living care facility which is an institutional use.

The building setback is 10' from the property line for any parking or driveway, 40' for any building. The proposed building is 23' of closest point for parking to nearest property line which is along the east property line. The building is 81' from the north property line, 61' from the side (left property line) and 150' from the east property line which complies with the 40' requirement.

For the **lot density**, C.O. 1155.07(q)(1)A is used to determine area using the number of units. The 4.22 acres allows 122 units on the site. Using 1,500 sq. ft. per bed they are proposing 122 units on the site. (4.22 acres X 43,560 sq. ft. = 183,823.2 sq. ft. ÷ 1,500 sq. ft. = 122.5 beds) so they meet the maximum density requirement.

Lot coverage - Ms. Caserta stated that green space is considered public and this is private property. This is not public green space. Per C.O. 1135.04 the maximum area coverage allowed is 50% of the site. They are at 41.5% which includes all parking, sidewalks and driveways.

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Parking - Per C.O. 1161.04(b)(5) the required parking is 1 space per 4 residents. The existing site has 51 parking spaces and they are proposing an additional 40 units which gives a total of 94 parking spaces. **They have 3 parking spaces per 4 residential units. This is three times the amount required per zoning code therefore they comply.**

Building height - Per C.O. 1155.03(b) the maximum building height allowed is 41'3" to the top of the roof surface. The proposed building is 40'0" so they comply with that part of the code.

Water detention - Ms. Caserta stated that their civil engineer assured her that the pond located at the NE of the property will be a dry pond. The detention pond will be located there because at the rear of the proposed building is an 18" storm line with an easement along the north end of the property. They don't want to interfere with it or move it. The pond was designed according to the City Engineer's requirements. They are working on the calculations as to the size and design of the pond.

Water runoff - Ms. Caserta stated that along the north property line is a substantial swale that exists in the wooded area. The lowest point on the swale is well below the property along the north of the property line therefore their water runoff comes on to the Lithuanian site. It's opposite of what is perceived by the neighbors.

Trees - It is planned to keep as many trees as possible and to keep the buffer along the north and left of the property. They will add 3" diameter trees to replace any trees removed. The requirement is 2.5".

Lights - The parking lot will be located in the front toward the commercial end of the property. There are 3 egress doors at the back of the new building. The lights will be wall mounted with cutoffs. You won't see light shining from it or have a direct glare. The lights will be a cutoff shielded fixture.

Ms. Caserta said that there is a 1-story section of the building both on the north and south side in response to Chairman Irvine's question. The 1-story is the service area and for the dumpster. The trash from the old building will be relocated to the new building. Ms. Caserta stated that the project has HUD approval. They will start construction in August and complete in 12 months.

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The following spoke **AGAINST** the proposal.

Ed Miklavcic

5743 York Ct.
Willoughby, Ohio 44094

Mr. Miklavcic said that the setback of the building from the north is 81'. Mr. Miklavcic said that this proposal is an institution that they are trying to introduce into the neighborhood which will diminish the value and character of the neighborhood.

Joseph Szafraniec

34100 Beacon Dr.
Willoughby, Ohio 44094

Mr. Szafraniec said that he has been a Willoughby resident for 23 years and his property is at the end and abuts the Lithuanian property. Increase water runoff is his concern. The water will run down the hill to his property. The detention pond is a potential place for kids to fall into.

Richard Ward

34160 Beacon
Willoughby, Ohio 44094

Mr. Ward said that this building is practically in their rear yard. The additional parking spaces will cause more water runoff. Property values will decrease. Mr. Ward stated that the building is much closer than 83'.

H.W. Birkett

5810 Ridgeview LN
Willoughby, Ohio 44094

Birkett agrees with the points made this evening and asks Planning Commission to look at the ordinance being violated. Birkett stated that the letter of the law is carried out by representative in Government.

Jacinta Jiranek

34210 Beacon
Willoughby, Ohio 44094

Ms. Jiranek stated that she is retired and the only income she has is her home. She lives directly behind the Lithuanian Center.

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The following spoke **IN REBUTTAL FOR** the proposal.

Rose Mary Trenka

The Lithuanian Center
34251 Ridge Rd.
Willoughby, Ohio 44094

Ms. Trenka said that the garbage is contained at the Lithuanian Center and it will be contained at the Mary Rose Estates. Ms. Trenka stated that rats can go into any neighborhood. Ms. Trenka quoted the English poet John Dunne: "Send not therefore to ask for whom the bell tolls, it tolls for thee".

Marla Caserta, Architect

Dorsky Hodgson Parrish Yue
23240 Chagrin Blvd.
Beachwood, Ohio 44122

Ms. Caserta stated that 18% to 20% of HUD 202 participants own cars. For 40 additional units 8 cars will be added to the area. Ms. Caserta said that she didn't think that will create a tremendous traffic impact. The trash will be withheld inside the building on the north end. On trash pickup day the dumpster will be wheeled out, emptied and wheeled back inside the building. Ms. Caserata said that the detention pond is a dry pond. The water is dissipated before the mosquitoes have a chance to breed. Detention will be held 40 hours. It takes 48 hours for mosquitoes to breed.

The following spoke **IN REBUTTAL AGAINST** the proposal.

Randy Klammer, Atty

6990 Lindsey Dr.
Mentor, Ohio 44060

Mr. Klammer recommended that this proposal be tabled because there are more issues than the applicant would have you believe. The density issue is clear. C.O. 1135.04 specifically reads that you have to have 5 acres and 8 units per acre. There's also a shifting on what the project is going to be. One person says it's going to be assisted living. For parking space standards the applicant uses parking standards for nursing homes and convalescence homes as opposed to parking standards for Multi Family units or Senior Citizen development. If standards keep shifting it is hard to evaluate. There's a facility the same as the proposal within 2,000 sq. ft. not to mention the Lithuanian facility. Mr. Klammer further stated that this clearly is an expansion of a non conforming use. C.O. 1167.03 disallows an expansion which this is clearly an undisputed nonconforming use.

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Mike Lucas said that this is not a nonconforming use in response to Chairman Irvine's question.

Tom Cox

34560 B Parkview LN
Willoughby, Ohio 44094

Mr. Cox wanted to know why the opposition was reminded several times that HUD is not an issue when the proponents brought it up several times.

Chairman Irvine stated that the issue is not financial. The issue is an application for a conditional use permit for congregate living.

Donna Yohe

34250 Beacon Dr.
Willoughby, Ohio 44094

Mrs. Yohe stated that the ordinance protects space around the building by having a requirement. The lot is already overused. Mrs. Yohe said that she does not know why they are trying to shoe horn a building into space that cannot be used.

John Minarich

34300 Beacon St.
Willoughby, Ohio 44094

Mr. Minarich questioned the building's 40' height when C.O. 1135.05 states that the maximum height allowed is 35' in the RMF-LR district. Mike Lucas explained that the specific requirement for a conditional use permit for institutional uses within RMF-LR classification which this is, is under C.O. 1155.03 which specifically provides that there is an exception to height regulations not exceeding 60' provided that the front side and rear yard depth is 1.5' X the height. **Mr. Lucas** stated that this meets the criteria for that. Mr. Lucas further stated that every yard regulation required for this project - height, lot area, etc. is in conformance with our Code.

Jerry Merhar questioned that this project is an "institution" when the project presented two years ago was not considered "institutional" but was considered "congregated living" which by no means was an institution. Services would be by contract. **Mr. Lucas** stated that "institutional services" which is defined in the Willoughby Code includes "Congregate living" with that definition. The 2,000 sq. ft. distant boundary is limited to the boundaries of Willoughby.

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Mr. Lucas in response to Rick Hart's question, stated that C.O. 1155.03 and C.O. 1155.04 controls the conditional use in the residential district. Under C.O. 1155.04(8) the minimum lot area requirement is 20,000 sq. ft. which supersedes the C.O. 1135 requirement.

Dave Yohe

34250 Beacon Dr.
Willoughby, Ohio 44094

Mr. Yohe stated that when we were here two years ago it was said that the Lithuanian Center was grandfathered and was a non conforming use.

Mike Lucas responded stating that this building was never considered a non conforming use because it is not an expansion.

Mr. Yohe stated that it was never granted a conditional use permit either.

Mike Lucas responded stating that it didn't require one because at that time it was considered a permitted use. It is considered a conditional use in our new code and not a non conforming use.

Mr. Yohe stated that both buildings have to get a conditional use permit to be allowed 122 units in order to get 1,500 sq. ft.

Mike Lucas stated that the association with the 122 units is used for terms of density for the total property.

John Minarich

34300 Beacon St.
Willoughby, Ohio 44094

Mr. Minarich wanted to know if there were any guarantees that there would be flooded basements in the area.

Jim Sayles replied that there are no guarantees because there is always the chance that a larger storm that's bigger than anything you design will come along.

Richard Marsh

5979 A Halle Farm Dr.
Willoughby, Ohio 44094

Mr. Marsh stated that he hopes that this matter gets all due consideration because this project will affect a lot of people.

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Nick Bade

5966 Halle Farm Dr.
Willoughby, Ohio 44094

Mr. Bade who has been a resident for 19 years hopes Planning Commission does the right thing and uses common sense. Mr. Bade said that the residents, taxpayers and voters will remember the decision that's made come election time.

Richard Ward

34160 Beacon
Willoughby, Ohio 44094

Mr. Ward stated that he bought his present home on Beacon Drive 2.5 years ago and if this new building was proposed then he wouldn't have bought it.

There being no further business the public hearing closed at 8:45 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