

**PLANNING COMMISSION
CITY OF WILLOUGHBY
REGULAR MEETING
JULY 28, 2016
REGULAR MEETING
MINUTES**

PRESENT: R. Fiala; C. Cox; K. Kary; G. Patt; G. Merhar, Chairman

ABSENT: No One

OTHERS: Michael Germano, Asst. Law Director; Janice Lipscomb, Econ. Devel. Mgr;
Jim Sayles, City Engr.; Darryl Keller; Chief Bldg. & Zoning Official;
Karen Brooks, Zoning Code Inspector; Vicki Grinstead, Secretary

Chairman Gerald Merhar called the regular meeting to order at 7:37 p.m.

MINUTES

Regular Meeting Minutes

July 14, 2016

A motion was made by Mr. Patt and seconded by Mr. Kary to approve the **Regular Meeting** minutes of July 14, 2016.

ROLL CALL: Yeas: Mr. Patt; Mr. Kary; Mr. Fiala; Mr. Cox; Chairman Merhar
Nays: None
Abstain:

Motion Carried: APPROVED

OLD BUSINESS

A motion was made by Mr. Kary and seconded by Mr. Fiala to untable old business.

ROLL CALL: Yeas: Mr. Kary; Mr. Fiala; Mr. Cox; Mr. Patt; Chairman Merhar
Nays: None

Motion Carried: APPROVED

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Glenbury III
(Dusty Keeney)

Final Plat/Improvement Plans

Chairman Merhar asked if there was anyone to represent Glenbury III and there was no one present so Chairman Merhar stated this item will be remain tabled. Mr. Patt made a motion and Mr. Fiala seconded.

ROLL CALL: Yeas: Mr. Fiala; Mr. Cox; Mr. Patt; Mr. Kary; Chairman Merhar
 Nays: None

Motion Carried: TABLED

Fraden Holdings
(Adam Wojnovich)

Preliminary Plans

Chairman Merhar asked if there was anyone to represent Fraden Holdings and there was no one present.

Chairman Merhar asked for a motion to table Fraden Holdings and Mr. Fiala made a motion and Mr. Patt seconded.

ROLL CALL: Yeas: Mr. Cox; Mr. Patt; Mr. Kary; Mr. Fiala; Chairman Merhar
 Nays: None

Motion Carried: TABLED

Kirtland Country Club
(Frank Floyd, President)

CUP-Annual Review

Chairman Merhar stated that the Kirtland Country Club will be tabled for a later date to give them time to amend their Conditional Use Permit. Chairman Merhar stated that during the Work Session there were comments made by the administration and asked Mr. Germano if he had anything to address and Mr. Germano stated he had nothing to say on this behalf. Mr. Fiala stated that he would recommend Planning Commission table this item because the administration has some concerns from both the

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residents of Kirtland and the Kirtland Country Club and he believes additional research is necessary on what they can do legally. He also believes that the board asked the applicant to provide some science and modeling behind the acoustical study at the last meeting. Chairman Merhar stated that this will all be done by the August 25, 2016 Planning Commission meeting.

Chairman Merhar asked for a motion to table the Kirtland Country Club until the last meeting in August and Mr. Patt made and motion and Mr. Cox seconded.

ROLL CALL: Yeas: Mr. Patt; Mr. Kary; Mr. Fiala; Mr. Cox; Chairman Merhar
 Nays: None

Motion Carried: TABLED

NEW BUSINESS

**Morehouse
(Seamus Coyne)**

Patio Expansion

Mr. Fiala stated that his company did the drawing for this project so he wishes to abstain from any voting or conversation for this application.

Mr. Coyne stated that he is proposing to extend his patio to the guardrail. Chairman Merhar stated that he already did a good job explaining this in the Public Hearing and asked for any questions from the board members. Mr. Patt asked about the two (2) parking spaces and if they are going to move a car length to the north. Mr. Coyne stated yes that they will be moved north toward Third Street. Chairman Merhar stated that the two (2) parking spaces that will remain were the parking spaces for his staff that would now become tenant parking spaces and Mr. Coyne stated yes. Mr. Patt asked about the fire pit. Mr. Coyne stated he already talked to the fire department about how far away from the neighbors building this should be and that it will be for ambience only. Chairman Merhar stated that The Morehouse will not change their hours of operation, music, etc. and will remain the way the original conditions were set and Mr. Coyne stated yes. Mr. Patt asked about outdoor music and if this was on his Conditional Use Permit and Chairman Merhar stated he did not know and did not have a copy of the Conditional Use Permit at this time. Chairman Merhar stated he believes no outdoor music is allowed in Downtown Willoughby without a special condition being set up first. Mr. Fiala did stated that Mr. Hartt

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is in the midst of going through our zoning code and rewriting technical updates. Mr. Fiala stated that he asked Mr. Hartt to look into how the board could deal with outdoor music and manage it in Downtown Willoughby. Mr. Fiala stated that Mr. Hartt is currently looking into this. Mr. Fiala states that within the next month or two Mr. Hartt will be reporting to the board with these zoning updates. Mr. Merhar stated that if Mr. Coyne ever wants music on his patio that he would have to come before the board to amend his conditional use. Mr. Patt asked Mr. Coyne if there would be additional fencing and Mr. Coyne stated that there will be. Mr. Coyne stated that there is privacy fencing all the way around and he will continue this with the addition of this patio parallel to Third Street. Mr. Patt asked if Mr. Coyne planned to use the patio in the winter with heating and Mr. Coyne stated no. Mr. Merhar, just for the board's information, stated that where alcohol is being served it must be fenced in.

Chairman Merhar asked for a motion. Mr. Patt made a motion to accept the Development Plan for Morehouse building and Mr. Cox seconded.

Mr. Germano advised Chairman Merhar, before the roll call, that they will be voting on the amendment to the Conditional Use Permit (CUP) to extend the patio but they will need to approve the Development Plan with the extension of the current conditions to that area, so the Morehouse can continue to provide the services to their patrons that they already provide and Chairman Merhar reiterated this to the board members before the vote.

ROLL CALL:	Yeas:	Mr. Kary; Mr. Cox; Mr. Patt; Chairman Merhar
	Nays:	None
	Abstain:	Mr. Fiala

Motion Carried: APPROVED

Vintage Development Group
(Jody McCue)

Landscape Plan
Canopy

Jody McCue of McCue Design Group of 4050 Erie Street Willoughby, Ohio is representing Mr. Marous and Vintage Development Group for the Landscape Plan and Canopy replacement for the Chagrin Riverwalk area. Ms. McCue put up a map for the board to look at and Chairman Merhar asked if the encased red lines are the canopy that they are looking at and she stated yes. Ms. McCue begins to explain what the board is looking at on the plan. She explains the mix of the trees that will be planted on the property and that the trees that are dead or dying, that have an "X" on the plan, will be removed.

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Ms. McCue explains that the second layer are the pink trees and that this is the understory that will be planted under the large existing mature trees. These trees will be smaller flowering ornamental trees such as dogwoods, fringe trees etc. that only grow approximately 20 feet in height. All plantings they are proposing will fit in the flood plains since they can tolerate any wet and dry conditions. Ms. McCue states that on the ground plain itself they are proposing a native flood plain mix, which will be a seed mix, and will be installed in the fall and will be a dormant seeding that will come up in the spring.

Ms. McCue explains it will take 2-3 years for these plantings to come in and mature, but when they come in it will be a mix of flowering perennials and flowering grasses. She explains what other larger trees will be going in and that they will have open spaces and vegetative areas also. Chairman Merhar asked what the red line is on the map and Ms. McCue stated that this is a trail. She stated that they are proposing a loop trail that goes around property and will be 6 feet wide with a crushed limestone path. Where the path crosses over the overflow there will be boardwalks to allow the water to pass underneath. She explains that the yellow nodes on the map along the trail are fitness stations. Ms. McCue states that the medium green color on the map which is approximately three quarters of an acre will be a dog park with a six (6) foot high black ornamental coated fence for the residents. Mr. Fiala asked Ms. McCue to point out on the map the boundaries of the city owned property and the apartment's property. Mr. Patt asked who will maintain this city owned property. He asked if they are planting these items on city property who will maintain this since he is not familiar with their agreement. Mr. Fiala stated that he sat in on a meeting since this is in his Council Ward. Mr. Fiala stated this question was brought up. He believes in their original agreement that they were allowed to enter onto city property but there was a question about wetlands and if they were going to use it as wetlands and if there was a disturbance who would repair it, and he said the second question was about the maintenance of the property. Mr. Fiala believes the wetlands issue was resolved because they did mitigate it to another site. He stated that they asked the developer to set up an agreement with the City of Willoughby that they will agree to maintain this property since its public property, but it is primarily for the benefit of the residents of Chagrin Riverwalk. Mr. Patt states he sees green space on the map and questioned who will cut this grass, to which Ms. McCue states they will vegetate it and it will be more of a field. Mr. Patt asks about the agreement and if there is a time frame that they have to maintain this property, and refers this question to Mr. Germano. Mr. Germano states that there should be a time frame in place that specifically states who should be maintain this. Mr. Germano states that the city has not yet seen this time frame agreement. Mr. Patt made the statement that this is not fully negotiated yet and he did not realize this. Mr. Patt asked if the public can access this as some of it is public property and Mr. Fiala stated he had the same questions. After much discussion it was determined that the public can access it but only on foot as there is no public parking. Mr. Sayles stated that what this plan takes care of is their mistake of cutting those trees down and being in violation of the conservation overlay aspect.

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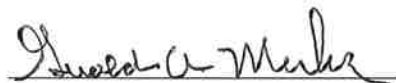
The board's approval of a corrected landscaping plan makes that violation go away and that the Planning Commission has that authority. Mr. Patt asked who will handle the maintenance agreement and Mr. Germano stated the legal department will handle it.

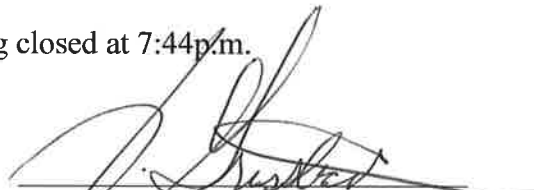
Chairman Merhar asks for a motion. Mr. Fiala made a motion to approve the Landscape Plan as submitted this evening for the Chagrin Riverwalk and Mr. Kary seconded.

ROLL CALL: Yeas: Mr. Patt; Mr. Kary; Mr. Fiala; Mr. Cox; Chairman Merhar
 Nays: None

Motion Carried: APPROVED

There being no further business the regular meeting closed at 7:44p.m.


Gerald Merhar, Chairman


Vicki Grinstead, Secretary