

**PLANNING COMMISSION
CITY OF WILLOUGHBY
OCTOBER 10, 2019
REGULAR MEETING
MINUTES**

PRESENT: C. Cox; J. McCue; K. Kary, Vice Chairman
ABSENT: M. Wildermuth; S. Norris; Darryl Keller, Chief Bldg. & Zoning Official
OTHERS: Michael Lucas, Law Director; Jim Sayles, City Engineer; Vicki Grinstead, Secretary

Vice Chairman Kary called the regular meeting to order at 7:04 p.m.

MINUTES

Public Hearing Meeting Minutes

September 12, 2019

Mrs. McCue moved to approve the Public Hearing Meeting Minutes for September 12, 2019 as submitted and Mr. Kary seconded.

ROLL CALL: Yeas: J. McCue; C. Cox; K. Kary, Vice Chairman
 Absent: S. Norris; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

Regular Meeting Minutes

September 12, 2019

Mrs. McCue moved to approve the Regular Meeting Minutes for September 12, 2019 as submitted and Mr. Cox seconded.

ROLL CALL: Yeas: K. Kary, Vice Chairman; C. Cox; J. McCue
 Absent: S. Norris; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

OLD BUSINESS

None

NEW BUSINESS

Sweet Peppers Bar & Grill
38464 Lakeshore Blvd.
(Suphaphan Phinyathanabat, Owner,
Mark Cain, Building Owner)

Conditional Use Permit

Ms. Phinyathanabat is the new owner but Mark Cain, 20 River Dr., Eastlake, OH 44095 is representing the Conditional Use Permit for Sweet Peppers Bar & Grill.

Vice Chairman Kary read the conditions from the previous restaurant. Mr. Cain said he and Ms. Phinyathanabat wished to keep the same conditions and they are as follows:

1. Hours of operation: 5:30 a.m. until 3:30 a.m., 7 Days a week and to comply with state liquor regulations.
2. Food and alcohol service permitted on outdoor patio.
3. *Outdoor piped in music or live acoustical music must be at conversational level and allowed Sunday through Wednesday until 10:00 p.m. Thursday, Friday & Saturday until Midnight.
4. Any maintenance which would cause excessive noise should be done during normal business hours.
5. The on-site shared dumpster will be enclosed with fencing/screening

****This condition of the CUP shall terminate one year from the date of issuance which is October 10, 2020, and must be renewed.***

Vice Chairman Kary asked if there was any type of flood lighting and Mr. Cain said no, there is only string lighting on the patio. Mr. Cain the dumpster, which is behind the cigar bar, is not fully enclosed with fencing, but this will be completed. Vice Chairman Kary explained that in one year they need to come back to renew this Conditional Use Permit because it does have a termination date for item #3.

Mr. Cox moved to approve the Conditional Use Permit for Sweet Peppers Bar & Grill, 38464 Lakeshore Blvd., Willoughby, OH 44094 as stated above and Mrs. McCue seconded.

ROLL CALL:	Yeas:	J. McCue; K. Kary, Vice Chairman; C. Cox
	Absent:	S. Norris; M. Wildermuth
	Nays:	None

Motion Carried: APPROVED

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Fairway Glenn, Phase III

Lost Nation Rd.

(Rep.- Dave Novak, Barrington Consulting Group
& Dave Wager, Palmieri Builders)

Final Plat and Improvement Plans

Mr. Novak of Barrington Consulting Group, 9114 Tyler Blvd., Mentor, OH 44060 and Mr. Wager of Palmieri Builders, are representing the Final Plat and Improvement Plans for Fairway Glenn, Phase III.

Mr. Novak said he received an email from Mrs. Grinstead on a few issues the Planning Commission were concerned about. Mr. Novak gave the Board a typed response (in record 10-10-19, Exhibit "A") and each Board member received a copy.

Vice Chairman Kary said they would go over each item. **Item #1** Mounding along the entire property line between Hold #1 and the Fairway Glenn Property. Mr. Novak said the golf course had a need for some dirt and they had dirt left over from the site which they moved to the golf course and the golf course is shaping the dirt into mounds. This will slow down golf balls from entering yards of the homes along the course.

Mrs. McCue asked if drainage was considered. Mr. Novak said there is a 50 ft. golf course easement and there will be a fence installed 25 ft. down this easement. There is storm drainage that is built into their design to accommodate those homes. He said it was his understanding the city or golf course had an agreement to branch off of this storm sewer if there was a need to drain onto the golf course etc. The golf course submitted a site plan for this issue.

Item #2 Final Fence between the two properties. Mr. Kary said there is a temporary fence along these homes that golfers step over and trespass onto the existing private properties, which is causing issues with the residents. He would like a better temporary fence to deter golfers; until the permanent fence is installed. Mr. Novak agreed to install an orange 4-foot tall snow fence with rigid posts. The permanent fence will be similar to the current one installed along Lost Nation Rd. He said they could also put up no trespassing signs and Mr. Kary agreed.

Item #3 Sidewalks on Hodgson Rd. They will complete the sidewalks for the development and surrounding area. Mr. Novak said as part of the improvement drawing they will install a sidewalk from Lost Nation Rd. to Hodgson Rd. Mr. Novak said per the city engineer's comments, they added a paragraph on the front page of the plat dedicating an easement along this area to the HOA from Fairway Glenn (in record 10-10-19, Exhibit "B"). The HOA will maintain this sidewalk.

Mr. Kary asked who will own the undeveloped land; the corner in the runway protection zone. Mr. Novak said they are under contract with the Lake County Port Authority. The land under the sidewalk will be owned by the Port Authority.

Mr. Kary asked if they would consider extending the sidewalk to connect with the sidewalks to the Crossings of Willoughby. Mr. Novak said it was not in the original condition and they are not willing at this time to make the connection. Mr. Kary explained that this is the only area that will not have a sidewalk and cited examples.

There was a brief discussion on this issue. Mr. Novak's concern is there were trees that needed to be preserved in this area.

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Item #4 Traffic Signal for the intersection of Lost Nation Rd. and Hodgson Rd. Mr. Novak said this item was briefly discussed at the last meeting of the Planning Commission. His concern was how the developer would get his 11.5% deposit back if the traffic light was not installed. Mr. Kary said they should put the funds into an escrow account for a specified amount of time and would be refunded back to the developer or person who paid it, if the traffic signal was not installed. Mr. Novak said they would install the sidewalk Mr. Kary was asking for to connect to Willoughby Crossings, in lieu of the escrow money for the traffic signal at Lost Nation and Hodgson Roads, which may never be installed. Mr. Sayles said no easement would be necessary for the sidewalk as it should be in the right-of-way.

Mr. Sayles suggested still keeping the 11.5% deposit (\$17,250) for the traffic signal in escrow, minus the agreed upon amount of the installation of the sidewalk and Mr. Kary agreed. There was more discussion on this compromise.

Mr. Wager, of Palmieri Builders, 5201 Richmond Rd., Bedford Hts., OH 44146. Mr. Wager agreed to put the sidewalk in and the city could still take the traffic signal deposit of the 11.5% deposit (\$17,250) less the cost of the installation of the sidewalk and put it in escrow for a period of three years. If no signal is installed within that time period, the money will be refunded. He said the sidewalk would keep the community safe because they do not know if the traffic signal will ever be installed. Mr. Novak said the city engineer has a formula to calculate the cost of the sidewalk because this is what he has used in the past developments. Mr. Sayles said this may be a bit costlier because they may have to do some additional grading etc.

Item #5 Undeveloped Property. Mr. Kary asked who will own the triangular piece of land (Block "A" on Page 2 of 4 of the plat) that is vacant. Mr. Wager said either by the HOA, but more than likely, by the Lost Nation Airport. If the Port Authority doesn't purchase it the HOA will own it and it will be kept as wetlands. Mr. Kary's concern is the property will remain a field and not maintained. Mr. Wager said a significant piece of this property is wetlands and cannot be cut. There was some discussion on the topography of this piece of land. Mr. Wager said he would like to install the split rail PVC fence to delineate the wetlands from the property line. There was more discussion on this item. They agreed to mow a 10' strip of grass on the outside perimeter of Block "A" for aesthetic purposes.

Mr. Kary is concerned about the 10 or so homes on the back nine of the golf course (west of the retention pond) because there is no barrier between the homes and the golf course. Mr. Novak said those homes are now owned by residents and they cannot put up a fence onto private property. He said they would have to get the homeowners permission to install the split rail fence or install it on the golf courses property and also obtain their permission. Mr. Kary said one homeowner did put up a fence within their property boundary. Mr. Sayles said there is a drainage easement the HOA owns; this could be the reason this homeowner stopped their fence short of their property line. Mr. Wager said they would be willing to poll the property owners to see if they would like a fence.

The fence along Lost Nation Rd. would continue to the northerly line of Open Space "G". then go north easterly along sublots 109-100 and continue to Open Space "E", where there is a break for the street. Mr. Novak drew in yellow highlighter where the fence will be installed (in record 10-10-19, Exhibit "C"). Then to Open Space "D" along sublots 99-88.

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Southern part of property (Hole 13) (Exhibit "D"). Mr. Kary said this fence will be determined by the golf course being in agreement to install it on their property or all of the homeowners in agreement to have it on their property. Mr. Wager said it would be easier to put it on the golf course. He said he would have dialogue with the golf course administration. There was a question as to who will maintain the fencing. There was more discussion on this subject. Mr. Novak read a "Community Acknowledgment" and entered into record (10-10-19, Exhibit "E"). This item will be contingent upon the agreement.

Summary of conditions: **The sidewalk and traffic signal.** The developer (Mr. Wager) has agreed to pay 11.5% (\$17,250) less the cost to install the sidewalk from the east boundary of Fairway Glenn to the north boundary of Willoughby Crossing over the golf course property; assuming it will be installed in the right-of way. The balance of these funds will be held in escrow. If federal, state and/or county funds are not secured within the 3- year period for the relocation of Hodgson Rd., including the installation of the traffic signal, at Hodgson and Lost Nations Roads, the balance of the escrow deposit will be returned to the developer or their successor assigned, and within 3 years of recordation of the final plat. **The installation of fencing from Lost Nation Rd. diagonal to Hodgson Rd. to the entryway.** The fence will extend along Lost Nation Rd. to Block "A" and then along the southeasterly line of Block "A" to Hodgson Rd.; along Hodgson Rd. (leaving a gap for Farroni Dr.) and continue to the eastern border along golf course property, then along the dividing line between the golf course property and Fairway Glenn and connect to the fence that runs down the center of golf course (Easement #3). **Fencing on Hole #13.** A fence will be installed from the south end of Canterbury Dr., where it intersects with the golf course property, and installed along the southern border to the pond. The intent is to have the fence installed on the golf course property, if an agreement can be reached between the golf course and developer. Per the Law Director, the developer will exercise good faith efforts to make this agreement come to fruition. Mr. Novak stated that the Fairway Glenn's HOA will maintain all of the fencing that is on their property lines or property. The maintenance of the fence would be decided if there is an agreement to install the fence on the golf course property.

Mr. Sayles had a comment on the improvement plans. He said the plan does not mention, and should be added, that the PVC sanitary sewer has to be SDR26, which is a Willoughby standard and Mr. Novak agreed.

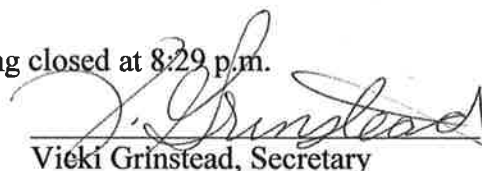
Mrs. McCue moved to approve the Final Plat and Improvement Plans for Fairway Glenn, Phase III, at Hodgson and Lost Nation Roads, Willoughby, OH 44094 with all of the stipulations as stated above in the Summary of Conditions and in accordance within the body of the minutes of October 10, 2019 and Mr. Cox seconded.

ROLL CALL:	Yeas:	J. McCue; K. Kary, Vice Chairman, C. Cox;
	Absent:	S. Norris; M. Wildermuth
	Nays:	None

Motion Carried: APPROVED

There being no further business the regular meeting closed at 8:29 p.m.


Ken Kary, Vice Chairman


Vicki Grinstead, Secretary