

**PLANNING COMMISSION
CITY OF WILLOUGHBY
FEBRUARY 13, 2020
REGULAR MEETING
MINUTES**

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

Chairman Wildermuth called the regular meeting to order at 7:11 p.m.

MINUTES

Public Hearing Meeting Minutes

January 23, 2020

Mr. Kary moved to approve the Public Hearing Meeting Minutes for January 23, 2020 as submitted and Mr. Cox seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

January 23, 2020

Mr. Kary moved to approve the Regular Meeting Minutes for January 23, 2020 as submitted and Mr. Cox seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

None

NEW BUSINESS

Westel's Alibi & Hush

4084 Erie St.

(Thomas Gerbic, Vice President of Blackwater Willoughby LLC)

Conditional Use Permit

Mr. Lucas said the statement of law presented by the legal counsel representing the owners is correct. He cited C.O. 1109.05(a) which requires that the submission of a Conditional Use Permit application be made by either the owner of the property or an agent of the property. The question then becomes is Mr. Gerbic the owner of the property or an agent of the property, and if he is not, the Commission does not need to go any further with these proceedings because he does not have standing to present the application. Mr. Lucas said the question is, is he the owner of the property or an agent of the property?

Chairman Wildermuth asked Mr. Gerbic if he heard the question and he said yes. Chairman Wildermuth then asked him to answer and Mr. Gerbic said he is not.

Dr. Norris moved to permanently table the Conditional Use Permit for Westel's Alibi & Hush, 4084 Erie St., Willoughby, OH 44094 for lack of standing and Mr. Cox seconded.

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

Motion Carried: PERMANENTLY TABLED

DISCUSSION

Mr. John Wiertel, Developer &

Greg Sommers, Sommers Real Estate Group

(Millstein property, SOM Center Rd.)

Development/Map Amendments

Mr. Wiertel said he has been in discussions with Mr. Millstein to development this piece of property. He said they ultimately decided to develop this as a single family development. He said he also had a town hall meeting which was initiated by Councilman Bob Carr on November 12, 2019. He said the original plan was for 71 single family sublots.

Mr. Sommers said they have had extensive discussions with the administration of the City of Willoughby. He said they have reduced the density of the original development plan, which they felt was a priority. He said they are proposing to work under the Conservation Overlay District verses clear cutting all of the trees and building under R-50 or R-60. He said they are planning to preserve as many trees as possible around the buffer of the site between

**City of Willoughby
Regular Meeting Minutes
Planning Commission
February 13, 2020**

the adjoining residential neighborhoods and will plant an additional 325 trees throughout the entire site to provide year round buffering.

He said the average overall lot size is in excess of the R-60 standards, but there are some lots that do vary in size. They also updated the plan to feature some curved roads, a walking trail that would connect to the neighboring school and staggered setbacks.

He said they are planning on participating in a RID (Residential Incentive District). It is a program that redirects revenue generated from the new development into city wide improvements such as storm water, traffic, sidewalk improvements etc. He said this would be an asset to the community.

Mr. Kary said the residents biggest concern is the density. He said they are going from an R-100 to an R-60 or possibly R-50 and 80% of the lots will need to go before the Board of Zoning Appeals.

Mr. Sommers said the Conservation Overlay code allows for exceptions to happen at the Planning Commission level verses having to obtain variances. Mr. Sommers said they reduced the density from 71 to 63 homes on the site.

Mr. Kary said, based on the trees that are there now, what percentage of the trees would have to be removed to build these homes. Mr. Sommers said they are in the process of doing a tree survey, so he does not have a specific answer at this time. Mr. Kary said this is a critical issue for him. Mr. Sommers said they would preserve any high quality trees and he would be happy to share the information once it becomes available.

Mr. Kary asked what the minimum rear yard setback is on some of the homes at the top of the map. Mr. Sommers said the minimum is 28'. Mr. Kary said if someone adds a 15' deck on their home, then they will have a 13' backyard. Mr. Sommers said they would have a buffer of the mature trees. Mr. Kary said this layout is just like his condominium complex and they have 3 entrances and exits and this development has 1. He said their common ground lot sizes are larger than these yards. He said it feels like he is looking at a condominium association rather than fee simple homes. Mr. Sommers said the buyers of today do not want a large yard to take care of.

Dr. Norris commended Mr. Sommers for taking time to hear the concerns of the residents. He said he lives in a community just like what is being proposed, but it did not start off as an R-100 district. He has concerns in regard to the density going from an R-100 to an R-60. He is also concerned about the removal of mature trees. Mr. Sommers said they tried to come before the Board with a good balance of what would benefit the community. Dr. Norris said he would be more comfortable with an R-80 district.

Chairman Wildermuth asked he if addressed the concerns brought forth by Mrs. Brooks in regard to zoning and he said yes they have had various discussions.

Chairman Wildermuth read into record an email that was sent to the Board members in regard to this development submittal by Board member and Landscape Architect Jodi McCue, since she was unable attend the meeting this evening (in record, Exhibit "A").

**City of Willoughby
Regular Meeting Minutes
Planning Commission
February 13, 2020**

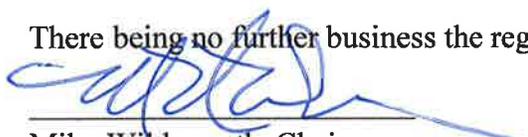
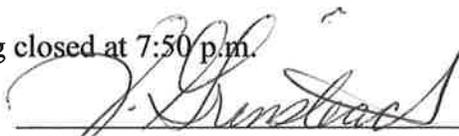
Mr. Kary asked Mr. Wiertel to reiterate the concerns of the residents. Mr. Wiertel said he recalls the main concern was density, which they tried to address the best they could. He said they removed 8 lots which has a large financial impact on the project. He said he gave his word that there would be no more than 71 lots at the November 12, 2019 meeting, and they have since reduced this number by 10%. The other concern were the sizes of the side yards; at the time they were 10 feet and are now 15 feet from house to house. He said drainage was another main concern of the current residents on the southeast boundary of this site, which has been a problem in the past. Mr. Rick Sommers said they would address this if they were to proceed. They will also preserve as many trees as possible and add trees. Police and Fire entry was a concern and that is why they changed the plan to a loop street instead of cul-de-sacs.

Chairman Wildermuth said along Rt. 91 they would require sidewalks be installed and Mr. Sommers agreed. He said with the RID monies they may even be able to extend the sidewalk beyond the development.

Mr. Sommers said they do not have all the details as to the storm water issues, but if improvements need to be made in the existing development that ties into theirs, to redirect that water, the RID monies can be utilized for that as well. They have utilized these RID monies in other projects and communities and it has worked to improve sidewalks, waterline replacement, signalization etc. It is a great tool to utilize the tax revenue and it does not take away money from the school system. He gave a brief explanation on the RID program. Monies that normally would be directed to the County are directed to the city improvement fund instead and he cited an example. There was a brief discussion on how a RID works.

Chairman Wildermuth said traffic will be an issue and they will need a traffic study if they submit a formal plan.

There being no further business the regular meeting closed at 7:50 p.m.


Mike Wildermuth, Chairman
Vicki Grinstead, Secretary