

**PLANNING COMMISSION
CITY OF WILLOUGHBY
MAY 14, 2020
PUBLIC HEARING
MINUTES**

PRESENT: J. McCue; C. Cox; K. Kary; S. Norris; M. Wildermuth, Chairman
ABSENT: None
OTHERS: Stephanie Landgraf; Asst. Law Director; Jim Sayles, City Engineer;
Darryl Keller, Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary

Chairman Wildermuth called the virtual Zoom public hearing to order at 7:06 p.m.

Chairman Wildermuth explained the nature of the Public Hearings. The legal notice was read into record for the rezoning request for 5363 SOM Center Rd. by Mrs. Grinstead.

Chairman Wildermuth asked if there was anyone that would like to speak in favor of the proposal:

**Rezone for Proposed Subdivision from R100 to R60
5363 SOM Center Rd./ 27-A-007-A-00-014-0,
27-A-007-A-00-008-0, 27-A-007-A-00-009-0
Greg Sommers, Sommers Real Estate Group**

Mr. Sommers said they have worked to address all concerns with the neighbors to date for this proposal. He said at the original town hall meeting several months ago the original plan included 71 lots. The plan being presented tonight has been reduced all the way down to 47 lots with the addition of open space, extensive landscaping, plantings and fencing along the Aspenwood cul-de-sac area. He referenced the city's zoning map along the Rt. 91 corridor and said they are consistent with the R-60 to the east and across the street. He said there is also a mix of other zoning in the area.

Mr. Sommers said traffic has been a topic of concern. He said they contracted with the same firm that is doing the townhome development down the road. He said they already submitted a trip generation study and are working on the traffic study. They are basing their home sizes on the current market and what the typical home buyer is looking for.

Mr. Sommers said he reviewed the letters from the current neighbors and would like to address them. He said one of the letters addressed wetlands. He said they have a PJD from the Army Corp. of Engineers and has been in contact with the city engineer regarding this issue. He is aware they need a permit before construction and will obtain it through the proper channels.

Mr. Sommers said stormwater was brought up from one of the neighbors to the south. He said they cannot discharge stormwater from their site any more than what is currently there. He said installing an extensive storm water system will only assist in storm water management. He also addressed site topography that was mentioned in a neighbor letter, which also showed an existing pond in their back yard. He said the site topography flows away from this particular home and installing a new storm water system will help with that.

**City of Willoughby
Public Hearing Meeting Minutes
Planning Commission
May 14, 2020**

Mr. Sommers said based on some of the neighbor comments in regard to density, they have reduced the density significantly on the site from 71 to 47 homes. He said they have worked very hard to address the concerns from the administration, the neighbors and Councilman Carr and is willing to answer any questions.

Chairman Wildermuth asked if there was anyone else that would like to speak in favor of the proposal and there was no one.

Dr. Norris arrived late to the Public Hearing meeting at 7:14 p.m.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Dave Black
34975 Aspenwood Lane
Willoughby, OH 44094**

Mr. Black said his is a conditional objection but not strong objection to this proposal. He said he appreciates Mr. Sommers moving the proposal from an R-50 to an R-60 and reducing the number of homes on the site. He thinks it is important that they do not allow an R-50 because that allows 2-family homes. He said he would prefer an R-80 and asks the city to be careful when approving the R-60 without qualifications because if the recession drags on, Mr. Sommers could feel pressure to add more homes.

Chairman Wildermuth wanted to clarify that the Planning Commission is only the recommending body to Council for approval of the rezoning. They cannot approve the rezoning; it must be done by City Council. He said Planning Commission will only approve the actual subdivision and when approved, it is approved as presented. He also stated that Mr. Black's comment about preferring an R-80 is well taken. The way the lots are laid out they are comparable to 90% an R-80.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Lori Claire Petrick-Flower
1344 Brooks Dr.
Willoughby, OH 44094**

Mrs. Flower said she preferred to ask some questions. Mrs. Flower asked who the developer is on the project. Mr. Sommers said they would be the developer. Mrs. Flower said Mr. Sommers was not at the original town hall meeting. She said Mr. Wiertel was the gentleman at this meeting. She said Mr. Sommers has not spoken directly to any of the neighbors in regard to this development plan. Mr. Sommers said they have team of people that work together on these projects and Mr. Wiertel did represent their interests on the town hall meeting.

Mrs. Flower read her statement into record (Exhibit "A"). Chairman Wildermuth said Mrs. Flower referenced a letter her brother sent to the Planning Commission and Chairman Wildermuth said he did not receive a letter and Mrs. Grinstead was also unaware of any letter. Mrs. Flower said her brother sent this letter to several members of the Planning Commission and the Mayor this past Wednesday. Mrs. Flower

**City of Willoughby
Public Hearing Meeting Minutes
Planning Commission
May 14, 2020**

said her brother is present and can read his letter. Dr. Norris said this is not the forum to discuss whether this is an appropriate legal mechanism for conducting public policy and Chairman Wildermuth agreed.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Bob Terlizzi Sr.
35100 Aspenwood Lane
Willoughby, OH 44094**

Mr. Terlizzi said his wife have lived in Willoughby for 35 years. He strongly objects to rezoning the Millstein property from and R-100 to an R-60. He said it far too dense for the neighborhood. He echoes all the concerns that have been stated such as water, storm water run-off and traffic.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Paul Petrick
250 Chadman Way
Mayfield Hts., OH 44124**

Mr. Petrick read his letter into record (Exhibit "B"). Mrs. Grinstead asked Mr. Petrick if he would email the letter and two exhibits so she can add into record and Mr. Petrick agreed.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Pat Terlizzi
35100 Aspenwood Lane
Willoughby, OH 44094**

Mrs. Terlizzi said she lives in Willoughby and read her letter into record (Exhibit "C"). Chairman Wildermuth explained what impervious surface is for clarification purposes. Mrs. Terlizzi said she does understand what impervious means.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Betsy Prelee
35400 Aspenwood Lane
Willoughby, OH 44094**

Mrs. Prelee read her letter into record (Exhibit "D").

**City of Willoughby
Public Hearing Meeting Minutes
Planning Commission
May 14, 2020**

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Fred Fink
5309 Karen Isle Dr.
Willoughby, OH 44094**

Mr. Fink said he sent his letter to the Planning Commission members and read it into record (Exhibit "E").

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Deborah Petrick
35145 Aspenwood Lane
Willoughby, OH 44094**

Mrs. Petrick sent her letter to the Planning Commission members and read her letter into record (Exhibit "F") She asked that any Planning Commission members forward Mrs. Grinstead any letters they received within the last week. Mrs. Grinstead asked Mrs. Petrick to forward her letter to her via email.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition and there was no one.

Chairman Wildermuth read into record a letter from Mrs. Hance, 5322 SOM Center Rd. and 5300 SOM Center Rd. sent via email (Exhibit "G").

Chairman Wildermuth read into record a letter from Mr. Hance, 5322 SOM Center Rd. and 5300 SOM Center Rd., Willoughby, OH 44094 (Exhibit "H").

Chairman Wildermuth read into record a letter from Mr. and Mrs. Heston, 5362 Karen Isle Dr., Willoughby OH 44094 (Exhibit "I").

Chairman Wildermuth read into record a letter from Mr. and Mrs. Calore, 5419 SOM Center Rd., Willoughby OH 44094 (Exhibit "J").

Chairman Wildermuth closed the public hearing for rezoning for 5363 SOM Center Rd.

The legal notice was read into record by Mrs. Grinstead for the Kirtland Country Club.

Chairman Wildermuth asked if there was anyone that would like to speak in favor of the proposal:

**Kirtland Country Club
39438 Kirtland Rd.
Willoughby, OH 44094**

**City of Willoughby
Public Hearing Meeting Minutes
Planning Commission
May 14, 2020**

Mr. Swidrak, AoDK Architecture, Inc. said this is a 1,600 stand-alone facility and is designed to stay consistent with the original architecture of the existing facility, using stone and Tudor style elements. The building is dedicated to golf training. There are two individual training rooms, a bathroom and a waiting area. It is a bit north of the existing driving range and behind the tennis building. The new facility will have two open bays with garage doors that will open so they can train during the winter months. There is a simulator inside and pros to do instruction.

Chairman Wildermuth asked if there was anyone else that would like to speak in favor of the proposal and there was no one.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition and there was no one.

Chairman Wildermuth closed the public hearing for rezoning for the Kirtland Country Club.

The legal notice was read into record by Mrs. Grinstead for the City of Willoughby Zoning Map Amendments.

**Planning Commission (Zoning Map Amendments)
One Public Square**

Chairman Wildermuth asked if there was anyone that would like to speak in favor of the proposal:


Chairman Wildermuth explained the reason for the changes to the Zoning Map. He explained this is to make corrections and to bring the map up to some more modern zoning districts. The decision was made to delete the Motor Services District and combine it into General Business. The Retail Overlay District is to give some business flexibility within a district which may not have been allowed previously.


Chairman Wildermuth asked if there was anyone else that would like to speak in favor of the proposal and there was no one.

Chairman Wildermuth asked if there was anyone that would like to speak in opposition and there was no one.

Chairman Wildermuth closed the public hearing for rezoning for the City of Willoughby Zoning Map Amendments.

The Public Hearing was closed at 8:12 p.m.

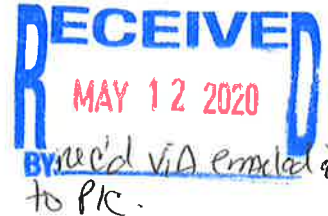

Mike Wildermuth, Chairman


Vicki Grinstead, Secretary

May 14, 2020

Exhibit "A"

Lori Claire Petrick Flower, Esq.
1344 Brooks Drive
Willoughby, OH 44094
(440) 478-6096
lcpetri@gmail.com



Dear Planning Commissioners:

****Please read this letter aloud during the May 14, 2020 Planning Commission Virtual Meeting during the Public Hearing on the Proposed Subdivision at 5363 Som Center Rd.****

My name is Lori Claire Petrick Flower and I am the homeowner at 1344 Brooks Drive, Willoughby, Ohio and an heir to the property at 35145 Aspen Wood Lane, my childhood home. I am writing to you in opposition of the EAS/Rezoning for the property located at 5363 Som Center Road for the purpose of building the proposed Abbott's Mill development requested by the Sommers Group.

I was raised in Willoughby and graduated from South High in 2005. A little over a year ago, I decided to invest in my hometown, return from the east coast, and settle here with my husband. While we are happy with our 10-year-old home in the present, in the next few years we will be looking for a forever home because our neighborhood is zoned R-MF-L (which complies with R-50 regulations). The lots are simply too small for us to have the quiet enjoyment that we desire—we can hear our neighbors' conversations as they exit their front and side doors from inside our house with the windows closed. The lots are small, and street is so crowded that our street is private, meaning we have to pay our HOA to maintain the street, the streetlights, and the sewers. This is not ideal.

In order to keep us in Willoughby and attract other Millennials like us, Willoughby needs more quality housing with larger lots (like Aspen Wood), not more crowded, treeless, private streets of cookie-cutter homes.

The rezoning of the property at 5363 Som Center Road from R-100 to R-60 is too drastic of a change that would be detrimental to the character and nature of the surrounding neighborhood and the City as a whole. This would allow nearly double the number of houses that could be currently built. As you are aware, for the past several years residents have strongly opposed rezoning this land in a way that would be harmful to property values and the character and nature of the surrounding residential neighborhoods. This area of SOM Center Road is already highly congested with well-known flooding/storm water issues and heavy traffic. The wishes of Willoughby residents should be valued over the desires of a non-resident developer and landowner to make a larger profit by allowing the zoning to be changed and more homes to be built.

It should be noted that the Sommers Group does not have a permit from the U.S. Army Corps of Engineers to develop this land, in fact, that they have not even filed an application as of this past Monday. According to the Preliminary Jurisdictional Letter submitted with this rezoning request, 5363 Som Center Road contains 15 wetland sites and a stream. Shaina Souter of the U.S. Army Corps of Engineers (hereinafter "USACE") Monitoring and Enforcement Division, Buffalo District, searched the database on Monday, May 11, 2020, and informed me that there are no active permit applications or permits to develop this land. Ms. Souter stated that if anyone has any questions, they can give her a call at (716) 879-4240.

Exhibit "A"

The Preliminary Jurisdictional letter (hereinafter "Preliminary JD") submitted with the proposed Abbott's Mill development was obtained in 2017 by Vista Springs, a company that had previously sought to develop the land at issue. The purpose of a Preliminary JD is to identify waters that may be subject to the Clean Water Act or the Rivers and Harbors Act jurisdiction.¹ The Preliminary JD is just that – *preliminary*. If the Sommers Group eventually applies for a permit relying upon the Vista Springs Preliminary JD, then Sommers would be agreeing that the waters on the land are subject to regulation by the USACE and a permit would be required before development could begin.

The Sommers Group should not begin development until a permit has been issued by the USACE, or they are risking violation of federal law. This is yet another reason why the zoning should not be changed at this time – it is unknown if and when the USACE would permit development on these wetlands. The flooding/storm water issues in this area are well-known and well-documented. The City should take extreme care in ensuring that the Sommers Group has complied with all local, state, and federal laws before approving the EAS, rezoning, and/or approving the proposed development plans.²

In conclusion, I ask that you deny the EAS and Rezoning to R-60 for the Abbott's Mill development as requested by the Sommer's Group. The development as proposed will negatively impact the character and nature of the City and has not been permitted pursuant to federal law.

Thank you,

/s/ Lori Claire Petrick Flower

cc: Mayor Robert Fiala
Councilman Robert Carr
Planning Commission Secretary Vicki Grinstead

¹ "The U.S. Army Corps of Engineers (USACE), Regulatory program, regulates work and structures that are located in, under or over navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899, the discharge of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act, and the transportation of dredged material for the purpose of disposal in the ocean (regulated by the Corps under Section 103 of the Marine Protection, Research and Sanctuaries Act). 'Waters of the United States' are navigable waters, tributaries to navigable waters, wetlands adjacent to those waters, and/or isolated wetlands that have a demonstrated interstate commerce connection." See <https://permits.ops.usace.army.mil/orm-public#>

² Please see the letter submitted by my brother, Paul F. Petrick, Esq. which addresses the legal insufficiency of the EAS submitted by the Sommers Group. I agree with and adopt his arguments herein.

Grinstead, Vicki

From: Lori Claire Petrick <lcpetri@gmail.com>
Sent: Wednesday, May 13, 2020 10:01 AM
To: mwildermuth@willoughbyohio.com; Norris, Steve; Cox, Chuck; Ken Kary; jmccue@willoughbyohio.com
Cc: Fiala, Robert; Carr, Robert; Grinstead, Vicki; Deborah Petrick; Paul Petrick
Subject: 5/14/2020 Planning Commission Meeting Correspondence
Attachments: LCPetrickFlower Letter to Commissioners 5.14.2020.docx

Good Morning,

Please read the attached statement regarding the EAS/Rezoning request for 5363 Som Center Road during the public portion of the virtual meeting tomorrow.

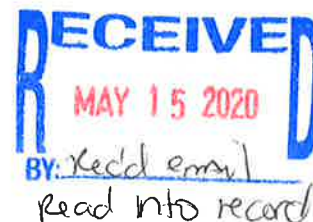
Thanks,
--Lori

--
Lori Claire Petrick Flower, Esq.
J.D., Cleveland-Marshall College of Law
B.S.B.A., Bowling Green State University
440-478-6096

Exhibit "B"

Please read my statement below and enter it into the record at tomorrow's Planning Commission Meeting.

Paul F. Petrick, Esq.
250 Chatham Way, Apt. 761
Mayfield Hts., Ohio 44124
Heir to the property at:
35145 Aspen Wood Lane
Willoughby, Ohio 44094



May 13, 2020

Dear Planning Commissioners,

I write to join the Willoughby residents who have expressed or will express to this Commission in writing or in person their opposition to the Sommers Group's proposal to rezone the Millstein Property on SOM Center Road from R-100 to R-60.

Also, there is one particular point that I would like to stress. I have heard the proponents of the rezoning proposal argue that since the proposed development's eastern border abuts an existing R-60 development (Ridge Acres), it would be appropriate to rezone the Millstein Property from R-100 to R-60. This argument lacks merit.

It is true that the proposed development's eastern border is adjacent to an existing R-60 development. However, when one views a map of the proposed development provided by the Sommers Group (see attached), it becomes clear that the section of the border abutting Ridge Acres is dwarfed by the proposed development's much longer borders with tracts of land that are zoned R-80/R-100. In fact, **only 19%** of the proposed development's border that is contiguous with other zoned tracts (this excludes the proposed development's western border with State Route 91) abuts an existing R-60 development. **Fully 81% of the proposed development's border abuts tracts zoned R-80/R-100.** As you can see, any analysis of the existing zoning in the developments and non-developed areas contiguous to the proposed development would strongly suggest that the argument for rezoning the Millstein Property to R-60 is incredibly weak in comparison to a zoning designation greater than R-60.

It is imperative that zoning and development decisions represent the best possible outcome for the surrounding community. An R-60 development in this location falls short of that. We can do better.

Additionally, the EAS submitted by the Sommers Group for consideration at this meeting (see attached) has omitted any response to Section IV of the EAS which deals with the probable time table and proposed schedule of construction of any structures or improvements. Based on the proposed development plan, Section IV is pertinent and should be completed. Please recall that the Sommers Group had a response to this section in the EAS that was under consideration

Exhibit "B"

at the City Council meeting on March 3rd. Since that EAS concerned solely cutting down trees and not the construction of an entire housing development, it is odd that the Sommers Group would provide a response to Section IV in the EAS that was considered by City Council on March 3rd, but not the EAS that is being considered by Planning Commission today. Furthermore, please note that the Section IV of the current EAS is entirely blank and does not even contain anything to allege the inapplicability of this section nor does it contain a reference to an attachment.

A response to Section IV of the EAS is required under Ordinance 1109.12(b)(5) and there is nothing in Ordinance 1109.12(k) that suggests that Section IV could be simply left blank. Here are relevant code sections.

1109.12 ENVIRONMENTAL ASSESSMENT STATEMENTS.

(b) Submission of an Environmental Assessment Statement. When an application is submitted for action as outlined in (a) above, the applicant shall submit an Environmental Assessment Statement to the Building and Zoning Inspector on the form obtained from the Building Department. The Environmental Assessment Statement shall include, but not be limited to, the following information:

(5) Time line and proposed schedule of construction of any structures or improvements as set forth in Section 1109.12(k);

and

1109.12 ENVIRONMENTAL ASSESSMENT STATEMENTS.

(k) Schedule of Construction. All Environmental Assessment Statements shall include a proposed time line of construction for each phase of building or construction. Wherein the applicant proposes the project to be built in a single phase or wherein the phases proposed are, in the opinion of Council, of such duration as to preclude effective planning by the City, after investigation, Council may establish, for purposes of the Environmental Assessment Statement, phasing consistent with its investigation and, thereafter, the project shall be considered phased for purposes of this Section. Council shall, thereafter, consider each phase of construction and provide its approval or rejection for each phase in the manner set forth in Section 1109.12(i). Permits contemplated under Section 1109.12(a) shall, thereafter, be issued for the phase(s) approved by Council. Upon approving any construction phase contemplated in this section, Council may include in such approving resolution the additional Environmental Assessment Statements prepared for any or all subsequent phases of the project.

This EAS should not be approved because it is incomplete.

Sincerely,
Paul F. Petrick, Esq.



Exhibit "B"



CITY OF WILLOUGHBY

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)

Pursuant to Codified Ordinance Chapter 1109.12, please provide the following information:

I. LOCATION, TYPE AND CHARACTER OF THE PROPOSED STRUCTURE OR DEVELOPMENT.

- A. A written paragraph describing the proposed structure, addition or development. Include the location, name of business (if known), type of business, size of the building(s) and scope and character of the proposed subdivision development or structure:

Please see attached. "A"

- B. An 8 ½" x 11" site plan or drawing of the proposed project and surrounding area (please attach) AND email an 11" x 17" PDF site plan or drawing to vgrinstead@willoughbyohio.com

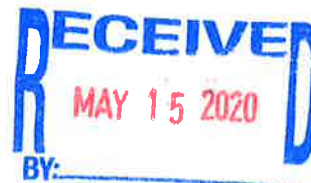
Please see attached.

IN CASE OF A ZONING CHANGE IN LAND USE

- C. The present zoning classification and proposed zoning classification:
Present R100, Proposed R60

II. SERVICE DEMANDS OF THE PRODUCT

- A. Estimates of amount of traffic (trips generated):
Please see attached trip generation study
- B. List all hazardous materials to be used or stored:
None, not applicable
- C. List all hazardous waste products and method of disposal:
None, not applicable



CITY OF WILLOUGHBY
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)

D. Demand for potable and firefighting water and amount and character of waste water discharges:

1. Water- (include peak hour requirements).
 - a) Potable Water Demand in CFS or GPD.
Estimated 400 GPD per residence
 - b) Firefighting Water Requirements will be calculated by the Willoughby Fire Department. **(Please complete Attachment A on page 5).**

E. Waste Water (Sanitary)

1. Septic System or City Sewers:
City Sewers
2. Discharge Character:
Gravity Sanitary Sewers
3. Discharge in CFS or Gallons per day:
47 Residential Units, Est. 400 GPD per residence

F. Storm Water

1. Open, Closed or Combination Drainage System.
Closed
2. CFS or Gallonage Discharge.
Est. 2 CFS
3. Estimated Increase in Storm Water Discharge or Run-off.
Zero

III. IMPACT ON THE FOLLOWING:

A. The degree of noise, water, and air pollution, either expected or probable, generated by the proposed project or land use classification change:

None

B. The expected demands on the school system generated by the proposed project or land use classification change:

Minimal, 47 residences, depends on buyers

IV. THE PROBABLE TIME TABLE AND PROPOSED SCHEDULE OF CONSTRUCTION OF ANY STRUCTURES OR IMPROVEMENTS:

April 15, 2020

Date Submitted



Member, Sommers Real Estate Group LLC/Willsom LLC
Title

CONTACT PERSON TO WHOM ALL QUESTIONS CAN BE DIRECTED:

NAME: Greg Sommers

COMPANY: Sommers Real Estate Group LLC./Willsom LLC.

ADDRESS: PO BOX 1102, Chardon, OH 44024

PHONE: 440.478.6034

EMAIL: gs@sommersrealestate.com

ATTACHMENT A

All structures have a firefighting water requirement. The water requirement is determined by a number of factors including the building size, construction type, use group, fire protection features, and the proximity of other buildings to the structure. By answering the questions below, the Fire Department can determine the water necessary for firefighting operations. This information is useful in preparing for fire emergencies at the structure and for water system planning.

1. What is the footprint of the building (length x width)? _____
2. What is the total square footage of the building? _____
3. What is the number of stories of the building? _____
4. What is the height of the building? _____
5. Does the building have a basement or below grade area? YES / NO
If yes, please provide the number of stories or total feet below grade: _____
6. What is the Occupancy Classification as defined by the Ohio Basic Building Code:
ASSEMBLY MERCANTILE EDUCATIONAL INSTITUTIONAL FACTORY
BUSINESS RESIDENTIAL UTILITY/MISC. HIGH HAZARD STORAGE
7. What is the type of construction as defined by the *Ohio Basic Building Code:
TYPE 1A TYPE IIA TYPE IIIA TYPE IVA TYPE VA
TYPE IB TYPE IIB TYPE IIIB TYPE IVB TYPE VB
8. Is the entire building equipped with an automatic sprinkler system? YES / NO
9. How close (in feet) is the nearest building? _____

*For clarification on the type of construction refer to Table 601 in the Ohio Basic Building Code (OBBC).

Please contact the Willoughby Fire Department, Fire Prevention Bureau at (440) 953-4334 for assistance in completing this worksheet.



April 15, 2020

Re: Project Narrative/Rezoning 5363 SOM Center Rd.

The City of Willoughby
1 Public Square
Willoughby, OH 44094

City of Willoughby Planning Commission & Administration Members,

Proposed New Community Name: Abbott's Mill (Based on history and name of first settler in The City of Willoughby)

Please see attached proposed revised preliminary community development plan for Abbott's Mill located at 5363 SOM Center Rd. There have been additional changes and enhancements to the proposed community plan based upon recent additional feedback from the administration.

The major modifications and enhancements are as follows:

- Overall density reduced from 56 lots to 47 lots**
- Increased overall lot sizes**
- Increased ALL front and rear setbacks**
- Added additional open space**
- Added proposed fencing between existing residences behind SL 28-32**
- Proposed zoning classification is now R60 based upon additional feedback from the administration**



THE
SOMMERS
— REAL ESTATE GROUP —
FULL CIRCLE REAL ESTATE SOLUTIONS

Exhibit "B"

As discussed during the informal meeting, a community town-hall meeting with ward councilman Bob Carr and adjoining residents was held several months back to present and discuss the proposed community plan. Since the meeting the overall density has been now been reduced from 71 to 47 homesites (24 lots less than originally presented).

We have also further enhanced the plan to an R60 layout with larger lots, further decreased overall density from 56 to 47 lots, added additional open space and walking trail to school property, and added additional proposed fence buffer behind SL 28-32.

We are also offering to participate in a RID (Residential Incentive District). As discussed, a RID will generate significant tax revenue that will go directly to the city's improvement fund. We have shared preliminary revenue estimates with the city administration. The RID is a great opportunity for the city to utilize the economic benefits that the new community will generate.

We have held numerous meetings and worked very closely with the administration to come up with best possible community development plan. We feel that the attached community plan for Abbott's Mill will be a great addition to The City of Willoughby.

Thank you again for your time and consideration.

Regards,

Gregory C. Sommers

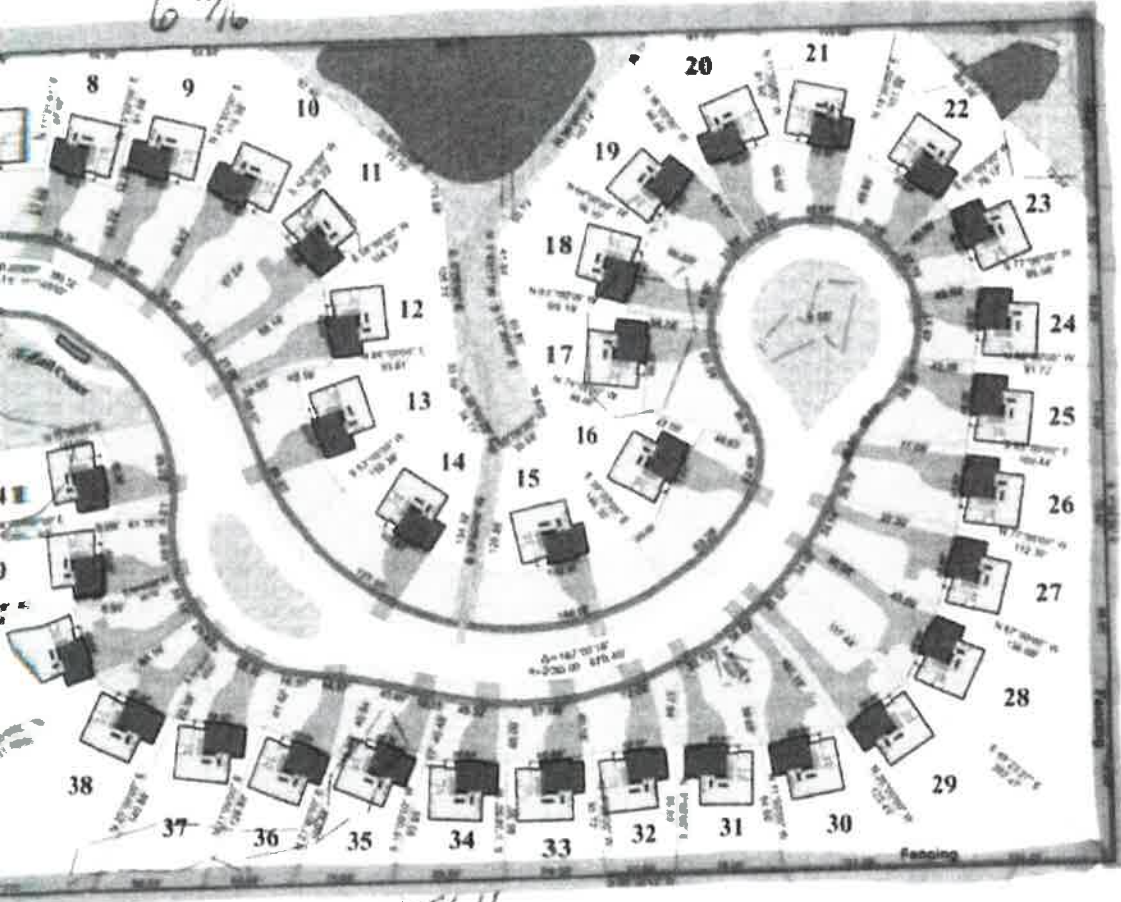
Greg Sommers
Sommers Real Estate Group LLC

Exhibit "B"

RECEIVED
MAY 15 2020
BY:

Extra

6/15/11



4/15/11

3/15/11

ASPEN WOODS SUBDIVISION NO. 1
VOLUME 2, PAGE 3 (1983)

Aspen Woods Subdivision
Volume 2, page 39 (1983)

Aspenwood Lane 50'

Aspenwood
Lane 50'

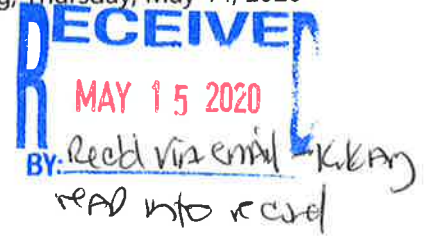
RECEIVED
APR 22 2020

Exhibit 1011

Grinstead, Vicki

From: Ken Kary <kenkarycouncil@gmail.com>
Sent: Thursday, May 14, 2020 10:25 PM
To: Grinstead, Vicki
Subject: Fwd: Willoughby Planning Commission Zoom Meeting, Thursday, May 14, 2020

Ken J. Kary
Councilman Ward 2-City of Willoughby
Planning Commission, City of Willoughby
440-537-2841



Begin forwarded message:

From: Patricia Terlizzi <pterlizzi@oh.rr.com>
Subject: Willoughby Planning Commission Zoom Meeting, Thursday, May 14, 2020
Date: May 14, 2020 at 3:05:47 PM EDT
To: jmccue@willoughbyohio.com, mwildermuth@willoughbyohio.com,
snorris@willoughbyohio.com, ccox@willoughbyohio.com, kenkarycouncil@gmail.com,
rfiala@willoughbyohio.com

5/14/2020

Willoughby Planning Commission
Jodi McCue

Hello, Jody,

Please read this letter at the Willoughby Planning Commission Meeting on Thursday, May, 14, 2020. I am reaching out to you as a member of the WPC who represents the citizens of Willoughby, Ohio. My name is Pat Terlizzi, 35100 Aspen Wood Lane, Willoughby, Ohio. For the past 30 + years I have been a resident of Willoughby in Ward 4.

I strongly object to any zoning change to the Millstein property currently zoned R100. The proposed Sommers development is too dense to maintain community character. There is way too much impervious cover(not allowing water to pass through) which increases flooding, erosion and water quality problems. Homeowners in this development may have flooded basements and homeowners on adjacent property who never had flooded basements may now experience flooding. The 1.766 Acres noted on the site plan for Park/Commons is not an adequate amount of impervious cover for a development that includes wetlands.

The following is from The Sommers website:

“One of our key focuses when developing new residential communities is a priority to preserve as much natural green space as possible and retain the natural landscape of the

Exhibit "C"

property. The end result is an attractive new community incorporating a park-like setting." The present plan for the Millstein property in my opinion does not represent this statement.

Thank you Willoughby Planning Commission.

Kind regards,
Pat Terlizzi

May 11, 2020

Members of the Planning Commission

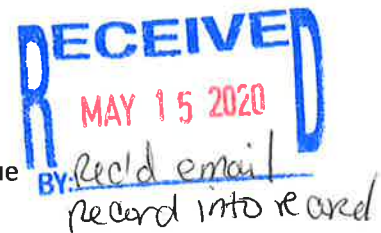
Mike Wildermuth-Chairman, Steve Norris-Vice Chairman, Charles Cox, Ken Kary & Jodi McCue

The City of Willoughby

1 Public Square

Willoughby, OH 44094

Exhibit "D"



RE: Planning Commission Meeting May 14, 2020 7:00 pm

Agenda Item: Proposed Subdivision, 5363 SOM Center Rd., (Rep. Greg Sommers, Sommers Real Estate Group)

Rezone/EAS- PPN# 27-A-007-A-00-014-0, 27-A-007-A-00-008-0, 27-A-007-A-00-009-0

From an R-100 zone district to an R-60 zone District

Dear Commission Members:

We are Daniel and Betsy Prelee, 35-year property owners of 35400 Aspen Wood Lane, Willoughby, Ohio 44094. We are opposed to rezoning the above-referenced parcels located at 5363 SOM Center Road from R-100 to R-60. The rezoning to R-60 lots is too drastic, too dense, and will negatively impact the surrounding property with adverse impact on water runoff, sewer drainage, and traffic. The rezoning also changes the nature of the area along Route 91.

We, the local citizens, are at a disadvantage having to provide our input via letter and zoom meetings, as opposed to being in attendance in person. Because of the COVID-19 restrictions, it is especially important that you take adequate time into considering our comments, as well as the input from other City of Willoughby residents.

The local residents' opposition to a change in zoning from R-100 to a more dense zoning has long been made known by in person, by phone, by letters and in attendance at many City of Willoughby Planning, Zoning, and City Council meetings over the past several years. The issues voiced are concerns over the impact dense housing will have on the stormwater runoff, sewer drainage, traffic, and city services.

It has also been made known to the City of Willoughby Planning, Zoning, and City Council committees that we the local residents wish the nature of the Route 91 Corridor that is zoned R-100 for single family housing to remain unchanged. Please refer to the City of Willoughby zoning map, P. 7, dated 12/2019 that is attached. Also note the screen shot of the same corridor from Google Earth showing an aerial view of the area. Surely the property owner has known all along that his property is zoned R-100, so it should not be the concern of the local residents that zoning changes need to be made to make possible a real estate development that suits the business interests of the owner.

Please take the time to give some thought on how the previous City leaders and planners envisioned this corridor, and why these parcels are zoned R-100. Why are we willing to change the zoning to a densely populated zone at the request of an outside real estate group. Your constituents have been telling/asking/begging you and your predecessors to consider the adverse impacts of rezoning these parcels. We, your constituents have been living here and paying taxes for many decades, and now will be paying more taxes, long after the real estate group has made its profits and come and gone.

We just cannot be any clearer, we do not wish these properties to be rezoned from R-100 to R-60. Please enter this letter into the record.

Thank you

Dan and Betsy Prelee

35400 Aspen Wood Ln., Willoughby, OH 44094

Cc: Robert A. Fiala, Mayor

Robert E. Carr, Ward 4 & Council President

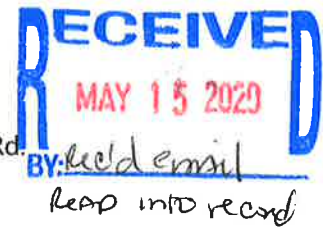
Att.



Grinstead, Vicki

Exhibit "E"

From: Fred <fredfink2019@gmail.com>
Sent: Thursday, May 14, 2020 7:53 PM
To: Grinstead, Vicki
Subject: FW: Proposed rezoning changes at 5363 SOM Center Rd.



Sent from [Mail](#) for Windows 10

From: [Fred](#)
Sent: Tuesday, May 12, 2020 10:16 AM
To: mwildermuth@willoughbyohio.com; snorris@willoughbyohio.com; ccox@willoughbyohio.com; kenkarycouncil@gmail.com; jmccue@willoughbyohio.com
Subject: Proposed rezoning changes at 5363 SOM Center Rd.

Members of the Planning Commission,

I had personally attended the public meeting earlier this year and heard the presentation on the rezoning of this property from R100 to R60. I heard no reason of value to our community to reduce the current zoning requiring R100 lots for this purposed development

As a resident with my wife Diane since 1977 of 5390 Karen Isle, we find no reason to support this change in the zoning. The proposed lots would be far to small and the new homes would be way to close to our property and neighbors on Karen Isle. The new homes in the plan would have hardly no back yards with no room for any addition in the back , a porch, or patio, or a shed.

SOM Center is today a very busy street. Today most people have two cars per house or more. The added traffic moving on SOM Center is one concern, as well as the entrance for all the school buses coming off SOM Center and turning into Edison School, the safety of the school kids must be considered.

The more homes built on this land brings lower property values, more traffic, more noise, and more water runoff.

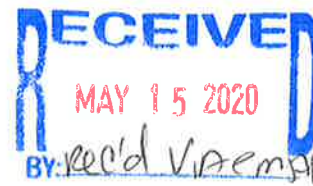
Further I attended the previous meeting with both of my next door neighbors Jim Cunningham, and Ed Langa both had stated to me they do not support this change as well.

I ask this be a part of the record on this matter.

Thanks for your consideration on this matter, and for your service to our community.
Fred and Diane Fink
5390 Karen Isle Drive
Willoughby

Sent from [Mail](#) for Windows 10

Exhibit "F"



read into
record

May 12, 2020

*Please read the following aloud at your Thursday, May 14th meeting and I ask that my letter and any others on this topic be entered into the record. Thank you.

Dear Planning Commissioners,

My name is Deborah Petrick and my husband Thomas and I own property at 35145 Aspen Wood Lane, Willoughby, OH.

Tonight you are being asked by The Sommers Real Estate Group to approve a zoning change that would permit the development of the Millstein property on SOM into a subdivision of 47 homes on R60 lots.

This requires a drastic rezoning from the current R100 zoning. The city already has a large variety of housing options for those seeking to reside in Willoughby. There is no need for a development that would not fit the character of the neighborhood.

Mr. Wiertel, who first proposed this development, previously stated that he would work with the neighborhood. The R60 plan does not work with the larger lots that nearly surround the proposed "Abbot's Mill" development.

Furthermore, the traffic study does NOT show the total cumulative traffic impact of recent changes to the area's traffic volume. This is a high traffic area and 50 town homes and a large Marc's store have been recently been approved. These new developments combined with an additional 47 homes would add further stress to this already highly-trafficked section of SOM Center Road. More and more traffic piled on with all the inherent problems that go with it.

One of the environmental concerns is that 47 homes in an area of wetlands with water run-off, further exasperates home owners and tax payers who already have water concerns. The elimination of a large number of trees for 47 new homes eliminates tree roots that hold back water. Pavement does not absorb water. Instead it creates more water run-off.

For all of the above reasons, I ask the Planning Commission to not rezone Mr. Millstein's property on SOM from R100 to R60. The density of this rezoning is not necessary and is problematic. Thank you.

Exhibit "F"

Rem into record 5-14-20
by Mrs. Petrick

Grinstead, Vicki

From: casita casita <casita@msn.com>
Sent: Thursday, May 14, 2020 9:51 PM
To: Grinstead, Vicki
Cc: Paul Petrick; Lori Claire Petrick; Fiala, Robert
Subject: letter from dpetrick that you requested at Planning Commission mtg 5-14-2020
Attachments: May Plan Comm letter 2020 FINAL.docx

Hi, Vicki...

At this evening's Planning Commission zoom meeting, you asked that I email to you the letter that I sent to the Members of the Planning Commission and to Mayor Fiala dated May 12, 2020.

Please see the attachment.

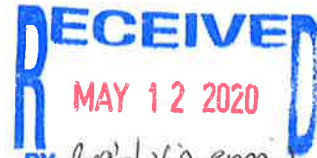
Thank you,
Deborah Petrick

Grinstead, Vicki

Exhibit 11G

From: suehance <suehance@lycos.com>
Sent: Wednesday, May 13, 2020 11:04 AM
To: Grinstead, Vicki
Subject: Re: Millstein rezoning, 5363 SOM Center Rd.

Mrs.
Hance



-forwarded to
PLC members

To: Planning Commission Members,

Since 1970 when Bill and I built our home at 5322 SOM Center Road, Willoughby the city of Willoughby has continuously raised the population density to accommodate developers from outside Willoughby.

Currently many rezoned projects have not been nearly completed - Shepherd's Glen, Riverwalk, Knez Courthouse Commons, Payne & Payne City Hall Commons, latest SOM Center Townhouses.

Lowering the zoning numbers has not appeared to be successful for the taxpayers in Willoughby.

What specific details of RID (Residential Incentive District) have been shared with city officials? How are these details formulated?

Thanks for your consideration,

William and Susan Hance
5322 Som Center Rd.
5300 Som Center Rd.
Sent from my iPad

> On May 13, 2020, at 10:29 AM, Grinstead, Vicki <vgrinstead@willoughbyohio.com> wrote:

>

> Sue,

>

> The address for Millstein, 5363 SOM Center Rd.

>

> Vicki Grinstead

> City of Willoughby

> Boards and Commissions Secretary

> (440) 953-4334

> vgrinstead@willoughbyohio.com

>

>

> -----Original Message-----

> From: suehance [mailto:suehance@lycos.com]

> Sent: Wednesday, May 13, 2020 10:09 AM

> To: Grinstead, Vicki <vgrinstead@WilloughbyOhio.com>

> Subject: Re: planning com.

>

> Hi Vicki,

>

> If I write a letter concerning rezoning to you will it be read into Thursday meeting? If I write a letter to individual commission members will that letter be read into minutes? Which is the best way to communicate our concerns?

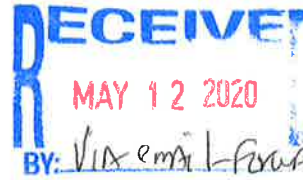
> Good luck with zoom. It's being used a lot with education communication and people are getting hacked. PNC Bank was hacked.

> Don't know if I'll tune in.

> Sueh.

Ms. Hance

Exhibit "H"



May 13, 2020

Willoughby Planning Commission
Willoughby, Ohio 44094
Attn: Vicki Grinstead

Re: Proposed Abbott's Mill Subdivision

I am William M. Hance and I reside at 5322 Som Center Road. I am writing in support of maintaining R-100 zoning for this property with the possibility of lowering the zoning to R-80, not R-60. Since Planning & Council recently allowed a high density housing project across from Big Turtle 1 on Som, I don't think the area warrants another high density development. If 5363 Som is maintained at R-100, the development would blend better with the surrounding residential areas (Aspen Woods, 5 New Knez homes, Hartshire).

Willoughby has a number of higher density projects that have not evolved as intended:

1. Shepherds Glen - not completed
2. Riverwalk
3. Courthouse Commons - 3rd year of construction on building 1 of 4
4. Brownstones - no retail to speak of
5. Payne & Payne condos on Spaulding

I can only hope past experience leads to better planning decisions for the 5363 Som property.

After reviewing Sommer's most recent site study, this plan includes fencing along 3 lots of Aspen Woods & 2 lots of Ridge Acres but no fencing along Edison school's bus entry. This entry handles 17 buses in the morning & 15 in the afternoon. Why not provide fencing for the 12-16 new lots that back up to this drive or fence the entire development minus the Som frontage? The fencing shown seems gratuitous. Previous plans included perimeter tree plantings but this is not shown. A landscape buffer was implemented in the new development on the Willoughby/Mentor line - why not in this development? Subplot 17 of Aspen Woods has already landscaped a portion of proposed lots 29 & 30.

I hope more consideration is given to this development due to the impact it will have on surrounding areas. Thank you for your time and consideration.

Regards,

William M. Hance
Registered Landscape Architect

NOTES

Deer Planning Commission

We have looked over the site study for the land of Spencer Rd. I think the lots should be wider 75 ft at least, given plan looks too congested for the area.

Bonus Roger Heston

5362 Karen Dale Rd.

Wesley, Ohio 44094

440-942-2923 -

RECEIVED
MAY 12 2020
BY: 6-via mt

Exhibit "J"



May 11, 2020

City of Willoughby

Planning Commission Members/ c/o Vickie Grinstead, (email: vgrinstead@willoughbyohio.com)

George and Darlene Calore
5419 SOM Center Rd.
Willoughby, OH 44094

RE: Plans to rezone property at 5363 SOM Center Rd.

Dear Willoughby City Planning Commission Members,

I'm writing to you so that our voices may be heard at the upcoming May 14, 2020, Planning Commission meeting regarding the proposed rezoning by the Sommers Group of the Millstein property. We don't have access to internet or, "smart phones," so we ask, "please read this letter to the meeting members for us."

My husband and I love Willoughby, and as baby boomers, bought in April of 2019 what we hoped would be our last home, which was built in 1948, when Willoughby looked much different. We are, "late to the party," you might say, as we've only recently become aware of the rezoning issues, and we will suffer the direct and negative impacts from any changes made to this lovely wooded property.

Besides more traffic, more noise, more lights, and more taxes, our chief concern is with water drainage. This land is composed of blue clay and therein lies the problem; *poor* drainage. We already have two ponds that form on our property after rains and melting snow, which keep our sump pump in the crawlspace quite active, sometimes expelling water every eight minutes for several days.

We've learned to tolerate the ponds after we were quoted \$8,000 to excavate and lay drain tile. Now imagine what our property will be like when there is less land to absorb this water, and more runoff onto our property. We already have some foundation issues, and keeping water away from our home requires constant vigilance.

Also of more lasting importance, if this recent pandemic has taught us anything, it's that crowded living isn't good for us, or for our wildlife. Our plants and trees offer precious oxygen in return for the growing amount of carbon dioxide in our atmosphere, while filtering pollutants and cooling our air...for free!

What we decide to do now has lasting consequences for our yet unborn generations of Willoughby residents. They deserve the same caring consideration as those of us who are now advocating protection of this fragile land from being overdeveloped and overpopulated.

Our sincere appreciation to all who have considered these words read so kindly on our behalf by our Planning Commission member and who must now thoughtfully weigh their decisions.

Your neighbors,

George and Darlene Calore

Exhibit 11511

RECEIVED
MAY 12 2020
BY: _____

