

**MINUTES
REGULAR COUNCIL MEETING
VIRTUAL MEETING VIA ZOOM**

8:36 p.m.

June 9, 2020

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on June 5, 2020.

ROLL CALL

Council Members Present: Carr, Garry, Kary, McNeill, Tomaselli, Woodin, Anderson

Others Present: Mayor Fiala, Law Director Lucas, Service Director Bock (left meeting early), City Engineer Lannon, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Keller, Parks & Recreation Director Banker, Finance Director Bosley, Clerk Novak

The meeting was led in prayer by Councilman Tomaselli.

PUBLIC HEARINGS:

Clerk Novak read the legal notice for the public hearing to be held tonight on the proposed Zone Map amendments (see attached).

Those Speaking in Favor – No one spoke.

Those Speaking in Opposition – No one spoke.

Clerk Novak read the legal notice for the public hearing to be held tonight on the proposed rezoning at 5363 SOM Center Road (see attached). Council President Carr said because the public hearing was being conducted via Zoom, the City gave the option to have feedback received in writing and read into the record. He noted that the public hearing is not a discussion and there will be a time limit of three minutes.

Those Speaking in Favor –

Mr. Greg Sommers – Mr. Sommers said he worked with the administration and strongly considered the neighbors comments and feels he has come up with the best development plan that is reasonable and will be an asset to the City. He looks forward to moving forward with their proposal.

Those Speaking in Opposition –

Council President Carr read into record an e-mail received from **Jim Bizjak, 35345 Aspenwood Lane, Willoughby, Ohio** (Exhibit A).

Council President Carr read into record an e-mail received from **Keith and Tammy Johannes, 5316 Karen Isle Drive, Willoughby, Ohio** (Exhibit B).

Council President Carr read into record an e-mail received from **Sandy Nero, 35150 Aspenwood Lane, Willoughby, Ohio** (Exhibit C).

Council President Carr read into record an e-mail received from **Jeffrey & Eileen Staats, 35175 Aspenwood Lane, Willoughby, Ohio** (Exhibit D).

Council President Carr read into record an e-mail received from **Frank & Kim Burke, 5401 SOM Center Rd., Willoughby, Ohio** (Exhibit E).

Council President Carr read into record a letter received from **Patricia Batich, 35240 Aspenwood Lane, Willoughby, Ohio** (Exhibit F).

Council President Carr read into record a letter received via e-mail from **Emer McNamara, 38262 Cheltenham Drive, Willoughby, Ohio** (Exhibit G).

Council President Carr read into record an e-mail received from **Ron & Judi Messner, 35380 Aspenwood Lane, Willoughby, Ohio** (Exhibit H).

Council President Carr read into record a letter received from **David & Elaine Farrington, 35280 Aspenwood Lane, Willoughby, Ohio** (Exhibit I).

Council President Carr read into record a letter received via e-mail received from **Dan & Betsy Prelee, 35400 Aspenwood Lane, Willoughby, Ohio** (Exhibit J).

Council President Carr read into record an e-mail received from **Nancy Hance, 5322 SOM Center Rd., Willoughby, Ohio** (Exhibit K).

Council President Carr read into record an e-mail received from **Fred & Diane Fink, 5390 Karen Isle Drive, Willoughby, Ohio** (Exhibit L).

Council President Carr read into record an e-mail received from **Richard & Pat Schneider, 35026B South Turtle Trail, Willoughby, Ohio** (Exhibit M).

Council President Carr read into record a letter received via e-mail from **William Hance, 5322 SOM Center Rd., Willoughby, Ohio** (Exhibit N).

Council President Carr read into record a letter received via e-mail from **George & Darlene Calore, 5419 SOM Center Rd., Willoughby** (Exhibit O).

Council President Carr read into record a letter received via e-mail from **Edward Langa, 5380 Karen Isle Drive, Willoughby** (Exhibit P).

Council President Carr read into record an e-mail received from **Jeannine Anderson-Spain and Michael Rosciszewski, 34935 Aspenwood Lane, Willoughby, Ohio** (Exhibit Q).

Council President Carr read into record an e-mail received from **Bob Terlizzi, 35100 Aspenwood Drive, Willoughby, Ohio** (Exhibit R).

Council President Carr read into record an e-mail received from **Jack & Natalie Bowser, 34325 Willow Creek, Willoughby, Ohio** (Exhibit S).

Council President Carr read into record an e-mail received from **Tom and Victoria Insley, 34355 Willow Creek, Willoughby, Ohio** (Exhibit T).

Dave Black, 34975 Aspenwood Lane – Mr. Black said he is in opposition of the proposal. He said he learned this week that Hartshire was developed as an R-100 development. He said looking at the current plan, you see a lot of frontages that are less than 60', however, at the Planning Commission it was noted that most of the lots are R-80. He said Council has heard so many negatives and asked Council to vote in favor of the residents. The property could be developed as an R-100. He asked the developer go back and take a look at R-80. He said once it's rezoned R-60, there's no going back.

Lori Claire Petrick Flower, 1344 Brooks Drive – Ms. Flower read her letter into record (Exhibit U).

Debra & Thomas Petrick, 35145 Aspenwood Lane – Ms. Petrick read her letter into record (Exhibit V).

Alyssa Dalpiaz, 5315 SOM Center Rd. – Ms. Dalpiaz said she and her husband moved to Willoughby five years ago to the Chagrin Riverwalk Apartments and fell in love with Willoughby and decided to make Willoughby their permanent home and grow their family here. She said they shop and dine local and voted yes on the school levy and are committed to doing their part to support a thriving community which is why they've attended public hearings regarding the property since they moved to their home three years ago. She is disappointed to be at another rezoning hearing for the property and disheartened that despite years of residents' concerns including those at the last Planning Commission meeting, she is here again facing another proposal for the property. Residents have asked for one thing; that the property remains R-100 yet they have not seen a plan that reflects that. She said her genuine and sincere question is why? She said one sentiment mentioned at the Planning Commission meeting was the improvement of the plan over time. She said she doesn't underestimate Mr. Sommer's genuine efforts or the time it took to get to this point. However, suggesting that residents should be content with a plan because it's better than where we started is skewed. Nearly 80 homes on 16 acres should never have been the starting point. She said as someone who cares about the City and its future, she respectfully asked Council to reject the current plan and ask Mr. Sommers for one plan that reflects R-100 zoning. This plan is easy to accept because of all the time and labor that has been put in getting there but that would be an injustice to the City. She said City can do better.

Laura Gibson, 35055 Aspenwood Lane – Ms. Gibson read her letter into record (Exhibit W).

Paul Petrick, 250 Chatham Way, Apt. 761, Mayfield Hts., Ohio – Mr. Petrick read his letter into record. (Exhibit X).

Chris Black, 5455 SOM Center Road – Mr. Black thanked the Mayor and Council for listening to the constituents. He asked that based on the principals of the country that Council listens to the constituents. He said there hasn't been one resident who is in favor of the rezoning.

Shade Tree Commission, Ms. McNeill – Ms. McNeill inquired about the next meeting. Mayor Fiala said the location of the next meeting will be decided next week noting Mr. Frabotta's appointment to the commission.

CORRESPONDENCE: No correspondence.

NEW BUSINESS:

Motion made and seconded that all ordinances and resolutions be read by caption only, with the exception of Ordinance 2020-59, as to legislation not containing an emergency clause, the rules requiring that ordinances and resolutions be read on three separate days be waived excepting Ordinance No. 2020-59.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2020-52

A resolution approving EAS #5-3-20 for construction of a Golf Training Facility located at 39438 Kirtland Road (Kirtland Country Club).

Motion made and seconded to adopt Resolution No. 2020-52.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2020-53

A resolution approving EAS #6-4-20 for the rezoning of 16.059 acres of real property located at 5363 SOM Center Road and further identified as Permanent Parcel Nos. 27A007A000140, 27A007A000080, and 27A007A000090 from Residential One-Family 100 (R-100) to Residential One-Family 60 (R-60).

Motion made and seconded to adopt Resolution No. 2020-53.

Ms. McNeill said she wanted to clarify a few things based on comments made during the public hearing. Regarding Waldamere being a very desirable street, she said a few doors down from her house there is a total of 5' between two houses. She said a business could have gone onto the property in question and said she feels she is doing what's best for the residents noting the development will be very desirable with high end homes. She said she appreciated all the comments and said some statements were not factual. She said residents had the option to purchase the property.

Mr. Carr pointed out that there was a discussion during the legislative caucus centered on documentation and research by Council and the administration. He said the proposed 47 homes the developer is putting in is actually one house less than the number of homes that could be for an R-80 development. It's an R-60 development due to the layout of the land; it will be identical in layout and density as Aspenwood.

Roll Call 6 yes
 1 no (Tomaselli)

Motion carried 6 to 0

ORDINANCE NO. 2020-54

An ordinance amending the Zone Map of the City of Willoughby, Ohio, to reclassify 16.059 acres of certain real property located at 5363 SOM Center Road (Permanent Parcel Nos. 27A007A000080, 27A007A000140 AND 27A007A000090) from Residential One-Family 100 (R-100) to Residential One-Family 60 (R-60).

Motion made by Councilman Kary to amend and approve Ordinance 2020-54 that it be expressly conditioned upon the applicant's previous agreement submitted that the rezoning have a limitation of a maximum of 47 houses with a 30 day recordation of the restriction.

Councilman Tomaselli seconded the motion to approve Ordinance 2020-54 as amended.

Mr. Kary said he wanted to let the residents know that if the Ordinance passes, he promises that the Planning commission will handle the matter with the greatest amount of detail and assure residents that the City will provide the best development on the property.

Councilman Woodin asked Mr. Sommers about a permit from the Ohio Department of Natural Resources (ODNR) stating there were wetlands on the property. Mr. Sommers said he has a Preliminary Jurisdictional Determination (PJD) in hand from the Army Corp. of Engineers and will submit to the City under all applicable federal, state and local laws. He said part of the modified development plan was to minimize impact to wetlands and they will be following all proper protocol to get that done. Mr. Sommers said the property actually moves away from Aspenwood and Ridge Acres and they are willing to work with the City Engineer to tackle any of the neighboring storm water concerns.

Roll Call 6 yes
 1 no (Tomaselli)

Motion carried 6 to 0

ORDINANCE NO. 2020-55

An ordinance amending the Zone Map of the City of Willoughby, Ohio, to reclassify fourteen (14) parcels of certain real property located with the City of Willoughby.

Motion made and seconded to adopt Ordinance No. 2020-55.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2020-56

A resolution authorizing the Mayor to enter into a Memorandum of Understanding with the City of Kirtland, Ohio necessary to provide dispatch services for the Kirtland Police and Fire Departments by the City of Willoughby, the furnishing of dispatch services equipment, and operating procedures relating to Kirtland Dispatch Services, and declaring an emergency.

Motion made and seconded declaring the first reading of Ordinance No. 2020-59

Roll Call 7 yes
 0 no

Motion carried 7 to 0

RESOLUTION NO. 2020-60

A resolution approving the application for a new awning over the garage style windows and man door as submitted by Seamus Coyne, as owner, for Nora's Public House and authorizing the issuance of a Certificate of Appropriateness, and declaring an emergency.

Motion made and seconded to table Resolution No. 2020-60 with the request this matter be sent back to the Design Review Board for resolution. If there is no resolution with the Design Review Board, it will be scheduled with Council within two weeks.

Roll Call 6 yes
 1 no (McNeill)

Motion carried 6 to 0

PUBLIC PORTION:

Greg Patt, 38005 Brown Avenue – Mr. Patt said he spent an hour on the new website and said it was a nice design and looks great.

Dan Prelee - Mr. Prelee said he was disappointed with the leadership surrounding the decision on the rezoning matter voted on this evening.

MAYOR'S REPORT – Regarding the small demonstration that took place this evening, he said the Police and Fire Departments did an excellent job working with the demonstrators and managing the event. Mr. Carr asked if the next Council meeting could be held at City Hall. Mayor Fiala said yes; he is hoping to open City Hall to the public within the next few weeks.

DIRECTOR'S REPORTS

Law Director Lucas – No report. Mr. Carr said Ordinance 2020-59 is a work in progress and will give a great opportunity for funding from these developments to help infrastructure problems in the area which could be very valuable.

Service Director Bock – Absent. (Mr. Bock was part of the Zoom meeting earlier in the evening).

City Engineer Lannon – Reported the new Erie Street project is moving along; storm sewer is in with only a few surprises with actual roadway replacement work starting tomorrow. Handicap ramps on Lakeshore Blvd. will begin in a few weeks. A meeting will take place with residents when the restrictions are lifted for the Ward Creek enhancements. He will be working on obtaining easements for the storm outfall projects from residents.

Fire Chief Ungar – Chief Ungar thanked Diane Bosley and Mike Lucas for their work on both of the MOU's that were passed tonight. He said his department is ready with regards to the current civil unrest and is prepared for the new challenges.

Mr. Carr said he asked for statistics for the number of COVID-19 cases specifically in the City. The numbers from the county included testing at the hospital that potentially skewed the actual numbers here in the City. He asked that the information continue to be forwarded regarding the number of cases.

Police Chief Schultz – Regarding the agreement for Kirtland dispatch, Chief Schultz thanked the Mayor, Diane Bosley and Chief Ungar for their work on it. He said the dispatch center offers a great service to our community and wanted to provide the same service to Kirtland. The workload will not be burdensome to our employees. The services provided currently to Kirtland are very similar to Willoughby. The City's ability to acquire Kirtland's hardware and software for 911 calls is a big benefit as the City's 911 system didn't have a maintenance agreement.

Regarding today's climate regarding policing and use of force, he said the City was updated on the happenings in Cleveland and was working with other Chiefs in Lake County and making plans to assist Cleveland as well as preparing for anything that could take place in Lake County. He said there were rumors of riots and protests here in Willoughby. He said he and the Mayor met with business owners in Willoughby to reassure them they would be protected as well as the City itself. Those rumors proved to be false.

Chief Schultz outlined the strategic plan for Police Department. The first is the prevention of crime. The second is to provide the most effective police services for the community; one way of doing that is to build trust with residents and businesses and improving community policing efforts by making officers and staff more accessible to the community. The department continually updates and reviews policies and procedures so the best guidelines are available for the department on how to operate. The department looks to continually strengthen the community partnerships with the local schools, downtown organizations, chamber of commerce and local organizations, civic and church groups. The department also continues to train personnel and keep them up to date on laws, procedures, tactics and services. It's the department's belief that well trained officers and staff can provide the most effective services to the community. Education and training help give the staff the best tools to make the best decisions and also working on strengthening our infrastructure within the department. Currently the department has strong and effective use of force policies. All of the officers are well trained and policies are either at the state level or in some cases even stricter. He said every time an officer uses force for an arrest for a crime; an incident report and a use of force report are required. Those reports are reviewed by the supervisor and also the administration. A force deemed inappropriate will be handled with the correct course of discipline. There haven't been any complaints of excessive force in the City and this is directly attributed to the proper training and education and effective policies in place. A few years ago, there was an incident in the Lowe's parking lot that involved deadly force; the department brought the Bureau of Criminal Investigation (BCI) in to review the case. The BCI determined the officer's use of force was appropriate. The county prosecutor also reviews these types of cases as well. Chief Shultz said he appreciates the support from the Mayor, City Council and the residents and businesses.

Chief Schultz said the planned protest took place tonight in downtown Willoughby. The department was able to communicate with the people involved in the protest prior to and were able to provide guidelines that were appropriate so they had a safe environment. He

said 20 people attended and protested peacefully with no issues. Councilman Garry asked how defunding of police departments would impact our department. Chief Schultz said things will not improve if you take away training and education. Councilman Woodin said he appreciates Chief Schultz and all the officers of Willoughby.

Building Inspector Keller – Regarding Courthouse Square, a notice was sent this week letting them know they are a public nuisance. He has asked them for a timeline when the project will be completed and he plans on holding them account table to that timeline.

Parks & Recreation Director Banker – Regarding the opening of pools, Ms. Banker said she sent Council the guidelines from the state. She said playgrounds and parks will be reopened beginning tomorrow but doesn't have guidelines yet. Playgrounds will be deep cleaned and signs will be posted asking patrons to bring wipes and hand sanitizer. Both markets restarted this past week and both were successful. A determination also needs to be made regarding fireworks in the City. As a group, a decision will be made on Thursday with all communities in Lake County. Willoughby is considering fireworks during the rib burn off at the end of September. Regarding pools, a memo was sent out showing the expenses of about \$175,000 to operate one pool as well as three different scenarios for revenue. Mr. Carr said there are so many variables to consider. Mr. Anderson said he felt the City should hold off this year. There was a discussion regarding the golf course and lost revenue. Mayor Fiala said the administration would make a determination but wanted to hear if Council had any comments and or recommendations. He feels regardless of the decision, there will be push back from the residents.

Finance Director Bosley – Regarding the bond sale last week, she reported there were five bidders with a total net interest of 1.986% over 25 years. The bond agency held the City at an AA rating. She said the City won't really know the impact until August for income tax. Mr. Carr asked how people working from home may impact the income tax. She said she believes it will remain with the City. Mr. Carr asked if there is any discussion on fiscal stimulus money at the local level. Ms. Bosley said that Ohio Senate Bill 310 has passed and she has registered the City to be part of the county's portion of what the state will send. She said it sounds like they will allocate \$350 million to start. The rules for keeping the money is the same as FEMA and costs must be related to costs the City hasn't anticipated in the budget. If the City gets an allocation and can't prove the City needed it; the City will have to give it back. Council will have to pass legislation at the next meeting stating the City understands the rules and will only use the money for proper purpose.

COUNCILMEN:

Mr. Woodin – Mr. Woodin thanked the Mayor and Tom Thielman for the time they spent in Ward 1 on the lake discussing erosion.

Mr. Kary – No report.

Mr. Tomaselli – No report. He recognized our Police and Fire Departments and the job they do specifically for the City.

Mr. Anderson – No report.

Mr. Garry – No report.

Ms. McNeill – No report.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 11:00 p.m.

Date approved 7/14/2020



Clerk of Council



Robert E. Carr, President



Robert A. Fiala, Mayor

LEGAL NOTICE

Pursuant to Chapter 1115.03 (f) of the Codified Ordinances of the City of Willoughby, Ohio notice is hereby given of a Public Hearing to be held by the Council **on Tuesday, June 9, 2020 at 8:10 p.m.** The public hearing will be conducted via Zoom. If you wish to listen, watch or speak for or against the proposal, download the Zoom App on your smart phone or computer and enter the meeting ID number or go to <https://zoom.us/join> and enter the meeting ID number 836-4054-9074. To listen only, please dial 1-312-626-6799 or 1-929-205-6099 and enter meeting ID number 836-4054-9074.

Said hearing is for a rezoning application initiated by the City of Willoughby to rezone the following properties:

Parcels to be Rezoned from Commercial Manufacturing (C-M) to Limited Industrial (L-I):

27-B-041-0-00-030-0	27-A-027-E-00-016-0	27-B-034-A-00-005-0
27-B-034-A-00-006-0	27-B-034-A-00-023-0	27-B-034-0-00-002-0 (portion of)
27-A-027-A-00-031-0	27-A-027-A-00-032-0	27-A-027-A-00-033-0

Parcels to be rezoned from Motorist Services Business (MS-B) to General Business (G-B):

27-B-044-0-00-010-0 (portion of)

Parcels to include Limited Retail Overlay District within Limited Industrial (L-I):

27-B-050-0-00-012-0	27-B-050-0-00-017-0
27-B-050-0-00-018-0	27-B-050-0-00-029-0

Persons affected may appear at said hearing and may speak for or against the proposal either in person or by attorney.

BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY

Alisa Novak
Clerk of Council

Publish: May 22, 2020

LEGAL NOTICE

Pursuant to Chapter 1115.03 (f) of the Codified Ordinances of the City of Willoughby, Ohio notice is hereby given of a Public Hearing to be held by the Council on **Tuesday, June 9, 2020 at 8:15 p.m.** The public hearing will be conducted via Zoom. If you wish to listen, watch or speak for or against the proposal, download the Zoom App on your smart phone or computer and enter the meeting ID number or go to <https://zoom.us/join> and enter the meeting ID number 836-4054-9074. To listen only, please dial 1-312-626-6799 or 1-929-205-6099 and enter meeting ID number 836-4054-9074.

Said hearing is for a rezoning application initiated by Greg Sommers of Sommers Real Estate Group, P.O. Box 1102, Chardon, OH 44094 for the property located at 5363 SOM Center Rd., PPN# 27-A-007-A-00-014-0, 27-A-007-A-00-008-0, 27-A-007-A-00-009-0 to rezone existing parcels from an R-100 zone district to an R-60 zone district:

Persons affected may appear at said hearing and may speak for or against the proposal either in person or by attorney.

RECOMMENDATION OF THE PLANNING COMMISSION: APPROVED

BY ORDER OF THE COUNCIL OF THE CITY OF WILLOUGHBY

Alisa Novak
Clerk of Council

Publish: May 22, 2020

Exhibit A

Novak, Alisa

From: Jim Bim <jim.bim.713@gmail.com>
Sent: Tuesday, June 02, 2020 9:47 AM
To: Novak, Alisa
Subject: Fwd: rezoning plan

Ms. Novak

This the letter I sent to the Planning Commission earlier.

I would like to have this read aloud so my aversion to this rezoning is publicly noted.

Thank you

Jim Bizjak

----- Forwarded message -----

From: **Jim Bim** <jim.bim.713@gmail.com>

Date: Mon, May 11, 2020, 10:13 AM

Subject: rezoning plan

To: <mwildermuth@willoughbyohio.com>, <snorris@willoughbyohio.com>, <ccox@willoughbyohio.com>, <jmccue@willoughbyohio.com>, <kenkarycouncil@gmail.com>

City of Willoughby Planning Commission

I would like to voice my opinion on the proposed rezoning of the Millstein property located directly behind my home on Aspen Wood Lane.

The size of the lots concerns me. Although residential homes are much preferred over previous proposals, I would rather see larger lots and fewer homes.

the major concern I have is traffic and sewage treatment. It is a hassle even now to turn left out of our street. I can't imagine adding perhaps a 100 more cars to that flow.

Additionally, with the further addition of new town homes (50?) being built and the addition of a new Marc's store near Rt91 and rt 20, will add further congestion to this area.

Please rethink this proposal that will impact our daily lives.

I love Willoughby!

It is my home!

I have been a resident for over 40 years and have appreciated all the terrific amenities this town offers. Growth is essential and inevitable. I understand that.

However, a closer, more focused evaluation of new development and its impact on current residents should also be essential.

Respectfully,

Jim Bizjak
35345 Aspen Wood Ln
(440) 552-3095

Novak, Alisa

Exhibit B

From: Tammy Johannes <tjj312@yahoo.com>
Sent: Monday, June 01, 2020 9:28 PM
To: Novak, Alisa
Subject: Rezoning of the Millstein property

June 1, 2020

Keith and Tammy Johannes
5316 Karen Isle Dr.
Willoughby, OH 44094

Dear Ms. Novak,

We are writing this letter concerning the rezoning of the Millstein property. We are against the rezoning of this land that the Sommers Group wants to change from R100 to R60 lots. We feel that this is too drastic of a change and will be too dense for the acreage. By rezoning this parcel of land there will be an over crowded housing development on an already congested road. Which has high potential to have water runoff that will end up in the backyards of the residents living on Karen Isle.

We would like this letter read aloud and entered into the record at the June 9th meeting.

Thank you for taking our concerns into consideration as you make a decision on this property.

Sincerely,

Keith Johannes
Tammy Johannes

Exhibit C

Novak, Alisa

From: Sandy Nero <mamanero@ymail.com>
Sent: Tuesday, June 02, 2020 11:19 AM
To: Novak, Alisa
Subject: June 2020 Final neighbor ltr (LCPF revisions).docx
Attachments: June 2020 Final neighbor ltr (LCPF revisions).docx

Sandra Nero. Willoughby resident: 35150 Aspenwood Ln.

Here we are again, speaking out..very loud, about the development, off Som Cntr Rd. I don't know one resident, that is in favor, of crowding our what was a beautiful community.. and in every patch of land, mowing down all the trees to build something. The 47 homes, behind Aspenwood Ln, having to change the zoning to do, I am very against. I can't get out of Aspenwood Ln. now. The 50, townhouses, and a Sheets gas station, is going to affect this whole community. Now a Marcs, is going up, and all of this traffic, is going to be, on Som Cntr. Rd. I am very concerned, about our sewer system, and the water runoff, this neighborhood has had problems, in the past.

Is anyone thinking about these issues?? We built our home in 1984-85..we have asked for a traffic light, to get out of our street, and the answer was no. Here we are 35 yrs later, and this Community, is going to be densely populated, to the max...I'm not a happy resident.

Sent from my iPad

Novak, Alisa

Exhibit D

From: Jeffrey Staats <jeffrey.staats@stclairmgmt.com>
Sent: Tuesday, June 02, 2020 11:29 AM
To: Novak, Alisa
Cc: Woodin, Chris; kkary@willoughbyohio.com; Tomaselli, John;
danderson@willoughbyohio.com; kmcneill@willoughbyohio.com; Garry, Dan; Carr,
Robert; casita casita
Subject: Zoom Meeting June 9th 2020 8:00 pm

To: Ms. Alisa Novak, Clerk of Courts,

First of all we don't understand why there is a zoom meeting when Ohio has opened with the required social distancing. It totally discriminates against those that do not have a computer or have access to one.

Secondly, changing the zoning from R-100 to R-60 drastically changes the neighborhood density such that an already taxed sewer system, electrical grid, and traffic volume will become even worse.

Thirdly, we have lived in the Aspen Wood Development for 36 years. We were the second house built on the street and were assured by the Willoughby Officials at the time, that our Development would be the model for future development in the area.

For all the reasons noted above and for the record, we are totally against the rezoning of the Millstein property from R-100 to R-60.

Jeffrey and Eileen Staats
35175 Aspen Wood Lane
Willoughby, Ohio 44094

Novak, Alisa

Exhibit E

From: HUN <graceland929@gmail.com>
Sent: Tuesday, June 02, 2020 12:46 PM
To: Novak, Alisa
Subject: Fwd: Millstein rezoning

----- Forwarded message -----

From: HUN <graceland929@gmail.com>
Date: Tue, Jun 2, 2020 at 12:34 PM
Subject: Fwd: Millstein rezoning
To: Frank Burke <hankky12@gmail.com>

----- Forwarded message -----

From: HUN <graceland929@gmail.com>
Date: Tue, Jun 2, 2020 at 12:29 PM
Subject: Millstein rezoning
To: <scrub2269@gmail.com>

Dear Ms. Novak,

We are writing in regards to the proposed rezoning of the Millstein property from R100 to R60. We, Frank and Kim Burke, live adjacent to the Millstein property at 5401 Som Center Road for over ten years. We have seen developers take more and more of the natural land here over the years. It has resulted in more congestion and traffic on Som Center here. It is a quiet little neighborhood we have here despite living on Som Center. We feel that voting in favor of the Sommers Real Estate Group for the Millstein property will ruin the ambiance we have here, as well as depreciate property values, and the water run off will be a huge problem. We also have an abundance of wildlife that call that property home, much of which has also dwindled over the years due to development.

We feel that having a zoom meeting, while understandable given present day circumstances, put us who live here at a great disadvantage in that its not the same as a public hearing. It is also not reasonable that four people can decide what the future of our neighborhood will be based on numbers and proposals and not listening wholeheartedly to those who live here.

We implore the City Council NOT to approve rezoning of the Millstein Property from R100 to R60. There are too many unanswered questions, such as is there going to be a natural buffer? A fence? We are strongly opposed to this rezoning and beg you not to let them ruin more of our precious neighborhood and land.

We respectfully ask that this letter be read aloud and entered into the record for the June 9, 2020 meeting.

June 4, 2020 Exhibit F

To: Alisa Novak, Clerk of Council

I am strongly opposed to the rezoning of the Millstein property from R100 to R60.

Chief concern is water runoff & now it takes us forever to get out of our street on Aspenwood on to Tom Center. Let alone our property values. We work very hard to keep our homes in top condition. Many times we've been told that our street is one of the finest in Willoughby.

Now that my taxes are skyrocketing with the new school levy, we should have a say in what goes on in our neighborhood!!

Please read this letter aloud & enter it into your record for the June 9th meeting!

RECEIVED

JUN 3 2020

CITY OF WILLOUGHBY
CITY COUNCIL

Patricia Matich
35240 Aspenwood Ln.
Willoughby, Ohio
44094

Exhibit G

Emer McNamara
38262 Cheltenham Dr.
Willoughby, OH 44094

June 3, 2020

City Council Members
Willoughby, OH 44094

Dear City Council,

I do not understand why you want to rezone the Millstein property on SOM Center from R100 to the narrower R60 lots. Is the city in such dire need of additional tax revenue that they don't care about existing residents' concerns or the future of the city? Are you so short sighted you don't realize how bad these houses will look in 10-15 years? Why does the city go out of their way to make it easy for developers to put up tract housing?

My mother lives on Waldamere Ave. which is one of the more desirable areas in Willoughby. Those are the types of neighborhoods people want to live in. They want houses built with quality materials that will still look good 50 years from now. They want neighborhoods with tree lawns and space for their children to safely ride their bikes. I'm sure they would also like neighborhoods that leave a few mature trees standing.

Please consider all the residents that you are representing. Please consider the reason why the property was originally zoned R100 and accept the fact that it was a good decision then and it still is now.

Thank you for your time,

Emer

Emer McNamara

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JUN 4 2020
CITY OF WILLOUGHBY
CITY COUNCIL

Novak, Alisa

Exhibit H

From: Ron Messner <1203rem@gmail.com>
Sent: Thursday, June 04, 2020 11:51 AM
To: Novak, Alisa; Carr, Robert; casita casita
Subject: Protest of rezoning Millstein property from R100 to R60

Please be advised we strongly oppose the above rezoning proposal, and believe the only reason for the consideration by City Council is purely financial---certainly not for the will of the great majority of area homeowners, all citizens and taxpayers of Willoughby.

Along with many neighbors and concerned citizens, my wife and I have attended several city meetings concerning rezoning of this property, during which many LEGITIMATE reasons have been articulated AGAINST REZONING, which I will not repeat here, but hope will be seriously considered before this major change is contemplated.

During the meetings we did attend, We noted VERY FEW REZONING REQUESTS were approved by the city, including seemingly minor requests.

We would hope this request, which will affect the daily lives of many of your current citizens, be denied. The proposal for this property can be and should be changed to comply with current R100 zoning requirements. Please read this letter to all City Council members during the June 9, 2020 meeting.

Thank you for your consideration.

Ron and Judi Messner
35380 Aspenwood Lane
Willoughby, Ohio 44094
440-946-2424

Exhibit I

David L Farrington MD

35280 Aspen Woods Lane

Willoughby OH, 44094

2 June 2020

Alisa Novak, Clerk of Council

Willoughby City Council

! Public Square

Willoughby OH, 44094

Dear Sirs: (Please read into the record)

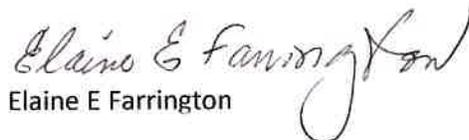
I am writing this letter in opposition to the rezoning of the Milstein property on SOM Center Road from R100 to R60. In my opinion this will create a population congestion in an already overpopulated area. We have lived on Aspen Wood Lane for 35 years at which time SOM was 2 lanes. Traffic has increased considerably over this period. Also adequate water and both sanitary and storm sewerage are already stressed in this area.

Concerning Traffic on SOM, if it is determined that a rezoning to R60 is to be done, it would behoove the Council to require the developer to install adequate signal lights to control traffic. We should not wait for someone to be injured or worse by a traffic accident.

Thank you for your consideration of these issues.

Sincerely,


David L Farrington MD


Elaine E Farrington

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JUN 4 2020

CITY OF WILLOUGHBY
CITY COUNCIL

June 4, 2020

Exhibit J

Members of Willoughby City Council
c/o Alisa Novak, Clerk of Council
The City of Willoughby
1 Public Square
Willoughby, OH 44094

RE: Council Meeting Tuesday, June 9, 2020 – Public Hearing
Agenda Item: Rezoning Application initiated by Greg Sommers Greg Sommers of Sommers Real Estate Group,
P.O. Box 1102, Chardon, OH 44094 for the property located at 5363 SOM Center Rd., 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 Council 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. We wish the nature of the Route 91 Corridor that is zoned R-100 for single family housing to remain unchanged.

Please take the time to look at the zoning map and give some thought on how the previous City leaders and planners envisioned this corridor, and why these parcels are zoned R-100. Why would the City be 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.

Finally, we are truly disturbed about overall leadership encouraging the real estate group to submit an R-60 design, knowing the neighborhood has opposed this approach/rezoning all along—no representation of the will of their constituents.

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

Kindly confirm receipt of this letter and that you will follow through with entering 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

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JUN 4 2020

CITY OF WILLOUGHBY
CITY COUNCIL

Novak, Alisa

Exhibit K

From: Carr, Robert
Sent: Friday, June 05, 2020 12:23 PM
To: suehance; Novak, Alisa
Subject: Re: public hearing/ include in minutes please

Acknowledge receipt. To clarify one point. Sommers reference is to the Ward 4 meetings held to get input. These meetings were not exclusively for a small audience but open to everyone. I remember communicating with you and Bill at the time of the meeting on Lost Nation but do not recall if you were able to attend that meeting.

Alisa - please include with package to all Council Members on Monday.

Thank you,
bob

Robert Carr
Willoughby Council President
rcarr@willoughbyohio.com
440-488-7321 cell

From: suehance <suehance@lycos.com>
Sent: Friday, June 5, 2020 10:49:04 AM
To: Novak, Alisa
Cc: Carr, Robert
Subject: Re: public hearing/ include in minutes please

To: Willoughby City Council

Bill and I are life long residents of Willoughby. We built at 5322 SOM Center Rd. in 1969. Many changes have evolved.

We strongly oppose rezoning R-100 to R-60 for Sommers development. This change does not represent the taxpayers interest.

Are the developer's financial concerns more important than taxpayers that live in Willoughby?

Bill and I live opposite the Millstein plot and have not been included in any Sommers discussion. C. Sommers stated involving the neighbors but this is not true.

Why can't this action be tabled until taxpayers can have a clear and rightful input?

Thank you,

Wm. C. Hance
Nancy S. Hance
5322 SOM Center Rd.
5300 SOM Center Rd.
Willoughby

Sent from my iPad

Novak, Alisa

Exhibit 2

From: Fred <fredfink2019@gmail.com>
Sent: Saturday, June 06, 2020 8:50 AM
To: Novak, Alisa
Subject: Rezoning at 5363 SOM Center Rd. from R100 to R60

Dear Alisa Novak,

My wife and I both oppose the change in zoning of the property owned at 5363 SOM Center. I had personally attended the public meeting earlier this year and heard the presentation on the rezoning of this property from R100 to R60, as well as attended the planning committee Zoom meeting. 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. In our Ridge Acres community currently there are more than a few vacant homes on lots of the same size proposed. We do not need more hurting our community and lowering our property value.

I ask this letter to be a part of the record on this matter and it be read into the record.

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

Novak, Alisa

Exhibit M

From: Pat Schneider <stefsib@hotmail.com>
Sent: Sunday, June 07, 2020 5:42 PM
To: Novak, Alisa
Subject: Fw: Rezoning of Millstein Property

Ms. Novak, we'd appreciate it if our letter below, originally sent to the Zoning Commission would also be presented to members of City Council. Really appreciate your time, thanks, Pat Schneider

From: Pat Schneider
Sent: Wednesday, May 13, 2020 2:36 PM
Cc: snorris@willoughbyohio.com <snorris@willoughbyohio.com>; ccox@willoughbyohio.com <ccox@willoughbyohio.com>; kenkarycouncil@gmail.com <kenkarycouncil@gmail.com>; jmccue@willoughbyohio.com <jmccue@willoughbyohio.com>
Subject: Rezoning of Millstein Property

*Richard J. & Pat Schneider
35026B South Turtle Trail
Willoughby, OH*

*We have lived at the above address since 1974.
The following are our reasons for objecting to the zoning change concerning the development proposed for the Millstein property:*

- 1) Stay with the original plan, NO REZONING and keep lots at R100.*
- 2) A change from R100 would completely alter the character of our ward. We don't want a development similar to the one on Lost Nation directly south of the airport. That development is barren of trees and character.*
- 3) Even at R100 this development will cause increased traffic and noise. R60 would elevate that.*
- 4) Sewers (waste and storm): will the existing systems be able to handle the additional flows into existing lines?*

We appreciate any consideration to the desire of the residents of our wonderful ward to maintain it's character and charm, Richard & Pat Schneider

Exhibit M

June 7, 2020

Willoughby City Council
Willoughby, Ohio 44094
Attn: Alisa Novak

Re: Proposed Abbott's Mill Subdivision

I am William M. Hance and I reside at 5322 Som Center Road. I would like this letter read into the meeting's minutes. 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 - not developed as originally planned
3. Courthouse Commons - 3rd year of construction on building 1 of 4
4. Brownstones - no retail
5. Payne & Payne condos on Spaulding - no architectural connection to the rest of downtown
6. Willoughby Union High School - a vacant eyesore that should be green space.

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

The city process for this development has been poor at best. The Planning Commission meeting via Zoom was a total fiasco with a commission member not sure what he was voting on. The Chair of the Planning Commission did not answer questions people asked either verbally or in writing. During the earlier Council vote for the tree removal of this site, the council person at large was not prepared and confused about what she was voting on. This development should be tabled until a regular public meeting can take place and the people voting on this actually walk the site.

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

RECEIVED

JUN 8 2020

CITY OF WILLOUGHBY
CITY COUNCIL

June 6, 2020

Exhibit 0

City of Willoughby Council Members C/O Alisa Novak, Clerk of Council (anovak@willoughbyohio.com)
1 Public Square
Willoughby, OH 44094

George and Darlene Calore
5419 SOM Center Rd., Ward 4
Willoughby, OH 44094

RE: June 9, 2020 meeting for proposed rezoning of Millstein property

Dear Willoughby City Council Members,

We're writing to you again so that our voices will be heard at the June 9, 2020, City Council meeting regarding the proposed rezoning by the Sommers Real Estate Group of the Millstein property. Since we don't have access to internet or, "smart phones," we ask that our council representative, Bob Carr, or other member if he isn't available, to please read this letter for us. Please include this letter in the meeting record.

As stated in our previous letter to the Planning Commission on May 14, 2020, our home will be directly and negatively impacted, like so many others, by this proposed zoning change from R100 to R60. We are shocked by the disappointing outcome of that meeting. It seems to us that no matter how destructive this unpopular change to R60 will be to us and the nearby community, to our environment, our taxes and our home values, ours and all our neighbors' pleading voices to preserve Willoughby's integrity and beauty **are buried under the desires and intentions of only one entity: Sommers Real Estate Group.**

Why is that the case? *Really.* Ask yourselves, where would *you* rather live: in an overcrowded, high traffic, noisy, neighborhood, which Sommers Group is asking you all to go along with, which means we all have to put up with it, too? Or, fewer homes built on spacious wooded lots, with therefore less water run-off, traffic pollution and noise? Why is this decision so difficult? Not one of us at that meeting liked this idea. **No one has EVER liked this idea.** It's zoned R100 for a reason, and there's no good or valid reason to change it, except to make the Sommers Group happy, and a lot more money, at our expense. Let's remember that the Sommers Group is in Chardon, far from the mess they'll create here...in our backyards!

Maybe the Planning Commission voted to move forward with this overly ambitious plan because they live far enough away and won't be affected like us by the Sommers' bulldozers, backhoes and cement trucks tearing up ground that, up to now at least, remained untouched since God made the earth. And those hundreds of trees there are priceless. They cool our air, clean our air, and **MAKE OUR AIR** for free and yet so little consideration is given them. What can Sommers Group replace *them* with that do all that, for **FREE**? And make no mistake, once they're gone, they're *gone*. Say hello to dirtier and hotter air and goodbye to oxygen. That is a given. Think about what your kids and grandkids will inherit. We are!

And once again, why is so little attention paid to us, *your* Willoughby neighbors and taxpayers? We've been telling you, often and consistently, that we don't want this zoning change. We want R100 lots. No change necessary. Why don't you join us, as our elected representatives, to make a stand and protect our city from becoming saturated with block after block of urban sprawl? This kind of non-stop, tear it up, pack-'em-in tight development isn't ever going to make Willoughby a beautiful or healthy place to live. Since your decision has irreversible consequences to us, our city and future generations, we demand you delay this vote until all your constituents can meet with you in person. Not all of us have the technology required to participate, and it's not fair to them. We need you to represent **US** and **be careful with our precious land!**

Sincerely, your neighbors,

George and Darlene Calore

Exhibit P

June 6, 2020

City of Willoughby Council Members
C/O Alisa Novak, Clerk of Council (anovak@willoughbyohio.com)
1 Public Square
Willoughby, OH 44094

Edward J. Langa
5380 Karen Isle Dr.
Willoughby, Ohio 44094

RE: Proposed Zoning Change of Millstein Property

My name is Ed Langa. I'm 96 years old and an original home owner on the west side of Karen Isle Drive. I've written this letter to you so you can know exactly what I think about this proposed zoning change of the Millstein property. I ask that it be read aloud at the Willoughby City Council meeting on June 9, 2020 by a council representative and entered into the meeting record.

I'll share a little about myself. In WWII, I served as the 1st Sgt Of a Combat Engineer Company, where I led 126 men in General Patton's Third Army. My industrial experience is well-rounded and applicable. I retired as Manager of Engineering for Freeport McMoran, who purchased the former General Electric plant, where I was also responsible for the health, safety and environmental regulations compliance as dictated by the U.S. Government.

I'm sorry that we cannot meet face-to-face so I could go straight down the line, look directly into your eyes, and ask each of you the same yes or no questions. Such as:

- 1) Will my property value go down? Of course!
- 2) Will my taxes go up? Of course!
- 3) Will the air quality be negatively affected? Of course!
- 4) Will wild-life disappear? Of course!
- 5) Will the ambient air temperature increase? Of course!
- 6) Will the ambient noise level increase? Of course!
- 7) I am working from an 8 ½ "x 11" plot plan. Is that a retention basin I see at the exit onto Rt.91? Is that sound thinking when kids have virtually no yards to play in?
- 8) From the 8 ½ "x 11" plot plan, I see at least three places where the driveways are side-by-side, adjacent to within a couple of feet. That should make interesting conversation within earshot of all the neighbors, i.e., "Keep your danged snow off my driveway," and "Don't wash your car! Your spray is hitting mine!"
- 9) How will up to 100 more cars turn south onto Rt. 91, at any time of day?
- 10) Finally, which of you council members plans to leave your present home and take permanent residence in one of these "dream homes"?

Should you decide to defy logic, your basic God-given common sense, and the **will of the people** to vote "yes," you will answer to a higher power than me.

Finally, I truly believe it prudent to table this matter until we can ALL meet in person at City Hall, where EVERYONE can participate, rather than this, "Zoom and Doom," charade.

Respectfully,
Edward Langa

Novak, Alisa

Exhibit Q

From: Jeannine Anderson <neen0403@yahoo.com>
Sent: Tuesday, June 09, 2020 9:00 AM
To: Novak, Alisa
Subject: Opposition to R-60 rezoning of the Millstein property

From Jeannine Anderson-Spain and Michael Rosciszewski residing at 34935 Aspen Wood Lane.

We are writing in opposition to the rezoning of the Millstein property from R100 to R60 and would like this statement entered into the record for the Council meeting on June 9, 2020.

We have the same concerns as most residents in our area: increased traffic on SOM Center Road, water run-off and devaluation of our real estate property are at the top of the list.

When we moved here, we were delighted to make Willoughby our home because of the character of the city - a small town feel but with all the conveniences nearby. With developments on both sides of 91 so close to Aspen Wood, it certainly will lose that appeal.

This decision will impact on our daily lives. The current residents have supported the city with our tax dollars for years - some residents - for decades. Our voices should carry weight.

Novak, Alisa

Exhibit R

From: Grinstead, Vicki
Sent: Tuesday, June 09, 2020 1:34 PM
To: Novak, Alisa
Subject: FW: Willoughby City Council Meeting, June 9,2020

This came to me by mistake. Vicki

Vicki Grinstead
City of Willoughby
Boards and Commissions Secretary
(440) 953-4334
vgrinstead@willoughbyohio.com

-----Original Message-----

From: Work Bob [mailto:rltpop@usa.net]
Sent: Tuesday, June 9, 2020 1:28 PM
To: Grinstead, Vicki <vgrinstead@WilloughbyOhio.com>
Subject: Willoughby City Council Meeting, June 9,2020

Hello, Mayor Fiala and Council members,

My name is Bob Terlizzi, 35100 Aspen Wood Lane, Willoughby, Ohio. My wife, Pat, and I have lived in Willoughby in Ward 4 for 30 + years, first in Big Turtle II and since 1998 on Aspen Wood Lane.

In recent years, there have been several new housing developments off of SOM Center Road near the Millstein property which is zoned R100. There is Willowcreek, and Casabona on the west side of SOM Center and the Knez homes on the east side of SOM Center. All of these properties are zoned R100 except Willowcreek and Aspen Wood that are zoned R80. Developing the Millstein property zoned R100 maintains the character of this neighborhood. There are a few homes in Ridge Acres zoned R60 that abut the Millstein property. They were built in the 1950's. Ridge Acres property values are < \$150K compared to Aspen Wood, Willowcreek, Casabona and the Knez homes that are selling for around \$300K. The price of the homes in the proposed Millstein development are around \$300 K in line with the values of the Willowcreek, Casabona, Aspen Wood and Knez homes. R60 is too dense for the neighborhood. The Millstein property should remain R100.

My wife and I attended the Willoughby Planning Commission Zoom meeting on May 14, 2020. The neighbors at the Zoom meeting all opposed the zoning change from R100 to R60 for the proposed Millstein development. Some residents were afraid to attend the Zoom meeting because of valid security problems with Zoom such as meetings hijacked by trolls, encryption issues and zoombombing. Those that did not attend the WPC Zoom meeting followed City protocols to voice their concerns about the proposed zoning change and emailed letters to the Willoughby Zoning Commission. They were advised their letters would be read at this meeting and become part of the record. Since my letter was not read at the Zoom meeting, on May 15th, the day after the meeting, I emailed Vicki Grinstead, Willoughby Boards and Commissions Secretary to ask about emailed letters being received by Board members. She promptly replied and explained that many of the Board members do not have city email addresses. Vicki said to insure that Board members receive correspondence send her the emails and she would print and distribute them. I shared this new and very important information with my neighbors. Thank you so much Vicki. You are the gold standard for a City employee in my opinion.

Ken Kary, is an outstanding fairly recent Willoughby Councilman. Thank you, Ken, for your Ward newsletter that is on the City website and the notes you post about each City Council meeting on the Willoughby Facebook page. Ken is on the WPC and I would like to address two things he said at the May 14th meeting. He stated one of the reasons he voted to change the zoning from R100 to R 60 was because of a survey he did. Ken's survey was taken at the Ward 4 meeting that was poorly attended because it was held at an unprecedented location in North Willoughby instead of in South Willoughby. I was never advised of Ken's survey and have not located any neighbors who were asked to participate in his survey. The second issue is that I admire Ken for seeking the advice of the City Engineers on storm water run-off and retention basins. Chuck Cox a WPC board member also stated the Board should seek expert advice. The City Engineers answer about retention basins preventing water runoff problems is an opinion but not perfect information. The new homes could have flooded basements or surrounding homes that have not experienced flooding may have flooded basements. Remedial work then becomes necessary after the homeowners suffer emotional and financial issues.

In conclusion, I strongly oppose the zoning change from R100 to R60 echoing the concerns of my neighbors who are present at this Zoom Meeting or who have written letters in opposition. Council, you were elected by the citizens of Willoughby to serve our community and take actions about our concerns. I thank you for listening to my comments. Please have the developer return to the Willoughby Planning Commission with a new proposal for a R100 development.

Kind regards,
Bob Terlizzi

Novak, Alisa

Exhibit 5

From: Jack Bowser <jsparky1@sbcglobal.net>
Sent: Tuesday, June 09, 2020 2:44 PM
To: Novak, Alisa
Subject: rezoning of Millstein Property.

Jack Bowser
Natalie Bowser
34325 Willow Creek PL.
Willoughby, OH 44094

I am opposed to the rezoning of property for the purpose of building large number of homes or apartments.

This would cause more traffic issues on an already high traffic road.

I would also guess that the water and sewage systems are inadequate to handle the extra burden that would be put on them.

A letter I received had reference to 47 homes. These would have to be small inexpensive homes to fit on that property and would result in lowering surrounding property value.

Please read aloud this letter and enter into the record at the June 9, 2020 meeting.

Novak, Alisa

Exhibit 1

From: victoriainsley04 <victoriainsley04@gmail.com>
Sent: Tuesday, June 09, 2020 2:54 PM
To: Novak, Alisa
Subject: Rezoning Millstein Property

To whom it may concern,

We are strongly opposed to the rezoning of the Millstein Property from R100 to R60. I ask that this letter be read aloud and/or included as opposition to the rezoning at the meeting on June 9th, 2020. Thank you.

Thomas and Victoria Insley
34355 Willow Creek Place
Willoughby, OH 44094

Sent via the Samsung Galaxy Note10, an AT&T 5G Evolution capable smartphone

June 9, 2020

Exhibit U

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

Dear Councilmembers:

****Please read this letter aloud during the June 9, 2020 City Council Meeting during the Public Hearing in the event that I am unable to attend****

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 proposed rezoning of 5363 Som Center Road for the purpose of building an R-60 housing development.

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 Ryan home in the present, in the next few years we will be looking for a higher-quality, custom built, forever home with a larger lot.

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 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. Our driveways are also very short, which causes people to park their cars on the narrow street. Driving down the street feels like an obstacle course, and we constantly worry about kids darting out into the street from behind all the parked cars. 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 (R80 or greater -- like Aspen Wood), not more crowded, treeless, private streets and 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.

According to the Preliminary Jurisdictional Letter submitted with this rezoning request, **5363 Som Center Road contains 15 wetland sites and a stream.** Last Friday, Shaina Souter of the U.S. Army Corps of

Engineers (hereinafter "USACE") Monitoring and Enforcement Division, Buffalo District, searched the database and informed me that there are no active permit applications or permits to develop this land. At the March 14, 2020 Planning Commission Meeting, Mr. Sommers himself acknowledged that he would need a permit before he could develop the land. **Please note 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 June 5, 2020.**

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.

In conclusion, I ask that you deny rezoning request 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
Clerk of Council, Alisa Novak

Site Study - Willoughby

Site Data

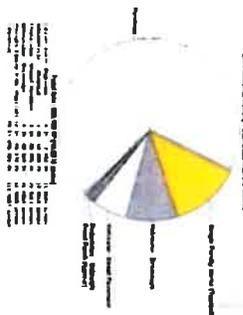
Total Number of R-60 lots	47
Average Lot Size	10,987 sq. ft.
Minimum Lot Size	8,400 sq. ft.
Length of Street Centerline	1,369 linear feet
Party/Commons	1,766 Acres



Aspen Woods
Resubdivision No. 2

Aspen Woods Subdivision
Version 2, (April 27, 2020)

Aspenwood Lane 50
RECEIVED
APR 27 2020



EXHA

3 1/2"

Exhibit V

Alisa, Bob and Mayor, please verify receipt of this email. Thank you, Deborah Petrick

*These are the remarks that **I intend to give** at the June 9, 2020 zoom meeting of City Council. Please enter this along with all other correspondence into the record. If for some reason I am unable to attend the June 9th meeting, please read this letter aloud at the meeting. Thank you.

June 5, 2020

Members of City Council,

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

Tonight, you will be asked by the Sommers Real Estate Group to rezone the Millstein Property north of Aspen Wood on SOM from R100 to R60. A vote in favor of this drastic rezoning would have you siding with a for-profit developer against the wishes of the Willoughby taxpayers who reside in the area.

I attended the November 2019 Ward 4 meeting **held well outside of Ward 4** on a snowy night after dark at Lost Nation Road Golf Course. Under the aforementioned circumstances, many of my neighbors did not feel safe venturing out that night to attend the meeting. This was expressed to me by neighbors before the ward meeting.

That evening I sat with the very **few** of my neighbors who did attend. There was also a small number of Halle Pointe residents in the audience who were there with concerns about the Zeppe's restaurant near them.

No one with whom I spoke that evening at Lost Nation Golf Course was in favor of anything less than a rezoning to R80 for the Millstein property. Mr. Sommers has **never** met with my neighbors. And, to be clear, I **never** spoke in November with Mr. Kary who referenced that evening's meeting during the May 14th Planning Commission zoom meeting. I have **repeatedly** and **consistently** stated at various public meetings going back to 2016 that when I asked the Building Department back in 1996 what could be developed in the woods behind my property, I was told "another Aspen Wood." Aspen Wood is zoned R80.

Furthermore, after experiencing devastating flooding on multiple occasions, my neighbors and I have lost faith in the city's ability to mitigate flooding in this area despite assurances by the city engineer. More houses and fewer trees mean more water runoff. If truly interested, City Council could obtain permission from me and others to walk our properties after a rainfall. Even I was surprised to see the lake-like backyard of a property adjacent to Mr. Millstein's land. (see **attached**).

No one who wrote in to Planning Commissioners or spoke at the May 14th Zoom meeting was in favor of rezoning to R60. The residents could not have been clearer in **their opposition** to rezoning from R100 to R60, citing a variety of reasons.

Traffic congestion needs to be considered **cumulatively** – not merely assessed on an individual development basis. **The cumulative effect** of the 50 new town homes being built off SOM, the new large Marc's at SOM and Route 20, and this proposed development should be considered in a **cumulative manner**. Otherwise the full impact of a new development on traffic congestion will **not** receive proper consideration. The proposed development's impact on wetlands, character of the neighborhood and lowering of property values are just a few of our very valid concerns. The vote by the Planning Commission was NOT unanimous. Commissioner Dr. Steve Norris persuasively articulated why **he opposed the rezoning to R60**. Please listen to his remarks from the May 14th Planning Commission meeting **prior** to making any decision on this proposal.

City Council or any other governing body making decisions should **not** ignore the wishes of concerned taxpayers. City Council is charged with being a representative body—representative of their constituents. Your constituents spoke and wrote in opposition to the R60 rezoning before the Planning Commission meeting held May 14th of this year. R80 is an objectively better compromise. Why is this not being considered?

I ask that you **vote against** the rezoning of the Millstein property to R60 that would forever change the character of this area and Willoughby **forever**. Thank you.

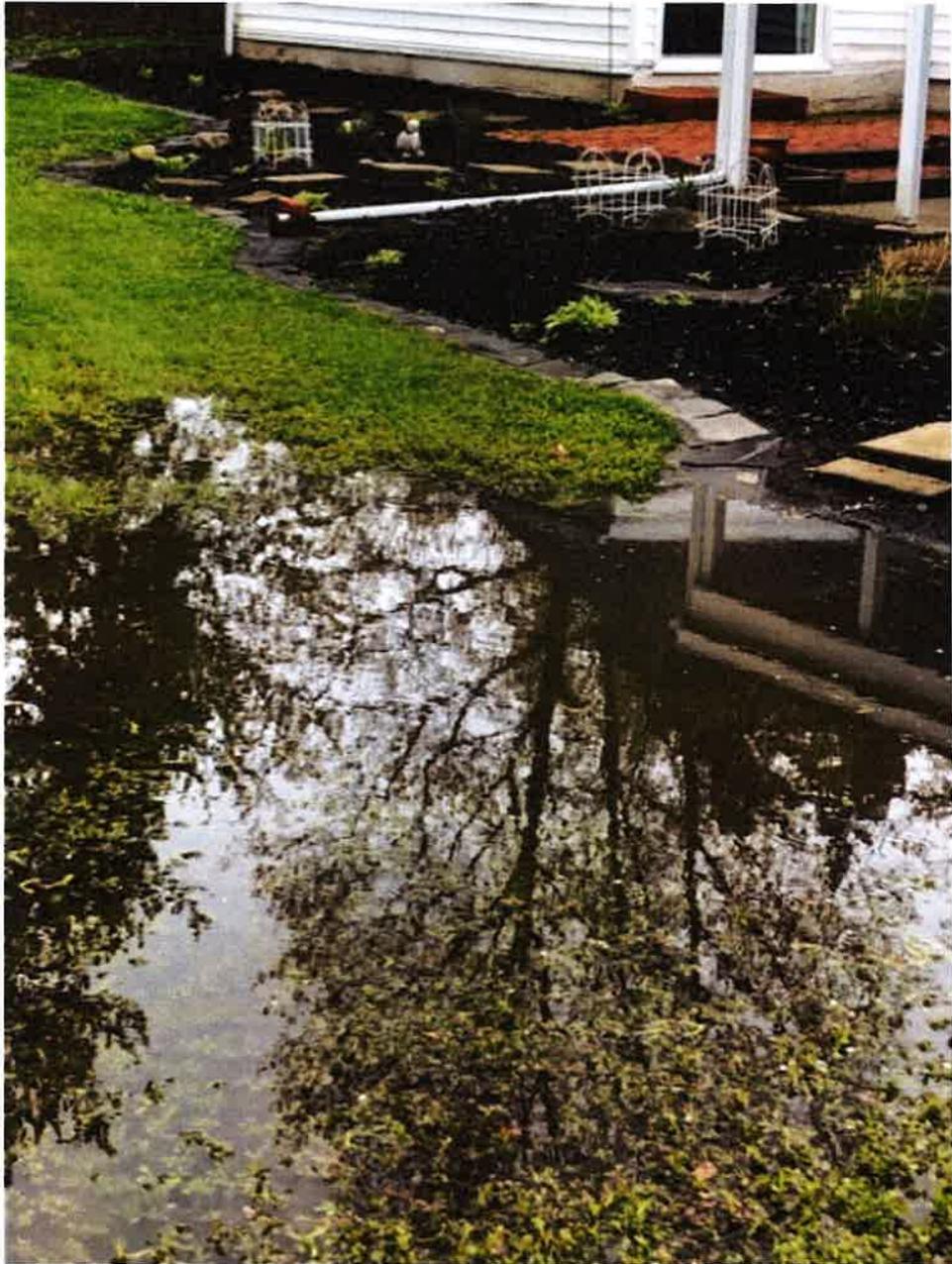


Exhibit W

Laura Gibson
35055 Aspenwood Lane
Willoughby, Ohio 44094

June 8, 2020

Mr. Mike Wildermuth, Chairman
Willoughby Planning Commission
1 East Spaulding Street
Willoughby, Ohio 44094

Dear Mr. Wildermuth,

I am writing in concern about the Millstein property located on SOM Center Road, directly north of where I live on Aspenwood Lane. I am aware that the Sommers Group has plans to build a housing development on this land and would like to have the R100 lots rezoned to R60. My family and I strongly feel that this would be a big mistake for Willoughby.

When I bought my home on Aspenwood Lane six years ago, we researched the areas around our property. We knew that the property behind our house could potentially be built on, but we were satisfied in knowing that they were zoned as R100. It is unfair to homeowners in this area to change the lot sizes to R60. Neighborhoods with tiny lots where the houses are stacked on top of each other are not desirable, especially for new families coming to Willoughby. The houses should have similar sized lots to the houses in this area of South Willoughby, like Halle Estates, Aspenwood Lane, and the newer Knez homes recently built. The lots were zoned as R100 because that is what fits the style of our neighborhood. I am extremely concerned that my home value will diminish if the lots on the Millstein property are changed to R60.

SOM Center Road is already an extremely congested street, that will only become worse in the near future due to the 50 town homes being built across from Big Turtle 1. During high traffic times, it is very difficult to make a left turn to exit my street and get onto SOM Center Road. With a rezoning to R60 lots, there will be 47 new homes added to this congestion. My daughter's school bus to Edison Elementary is already very late in picking her up and dropping her off daily. The school attributed this to the traffic on the South end of Willoughby. Rezoning the Millstein property will make an existing problem even worse for the residents who already live in this area and create very undesirable conditions.

I appreciate you reading my letter and hearing the concerns of my family. We truly feel like it is in everyone's best interest to leave the Millstein property zoned as R100.

Sincerely,



Laura Gibson

Exhibit X

Paul F. Petrick, Esq., CAMS
250 Chatham Way, Apt. 761
Mayfield Heights, Ohio 44124
Heir to the property at:
35145 Aspen Wood Lane
Willoughby, Ohio 44094
paulfpetrick@msn.com
440.478.0580

June 7, 2020

Dear City Council Members,

At least one of you sells real estate for a living, but you all probably have enough experience buying or selling real estate to know that location is all three of the most important things in real estate. The Millstein Property and its neighboring tracts of land are in an unbelievably good location. There is easy access to major east-west freeways within one mile to the north and south. Route 271, a major north-south freeway, can be accessed to the south. From this location one can be in downtown Cleveland in 20 minutes, in downtown Painesville in 20 minutes, in Mayfield in under 15 minutes (without even using the freeway), and as far away as Hudson within 30 minutes. According to its representatives, Pine Ridge Apartments in nearby Willoughby Hills is the largest apartment complex in Ohio. Why was Ohio's largest apartment complex built in *Willoughby Hills* of all places? It is because this stretch of SOM Center is in an amazing location.

Strangely, it does not appear that city officials fully understand this. This property is in a desirable location, you do not have approve just anything. Developers should be coming to you like mendicants begging to develop this property. Instead, we have four of the five Planning Commissioners acting like the Indians who sold Manhattan to the early Dutch settlers for \$24 and some baubles and trinkets. An R80 development, while still a compromise from the existing R100 zoning, *is an objectively better option for your constituents*. R80 has the same permitted uses as R60 but would allow less houses. I have expressed my preference for an R80 development to Councilman Kary in person after the Planning Commission meeting on February 13th. I expressed the same to the Mayor in person on March 11th. I have expressed this consistently to the dozens of other people who have solicited my opinion on the subject. Why is the best option the one option that is not being considered?

People will buy R80 homes in this location. Whenever a house goes up sale for on Aspen Wood Lane (an R80 development of 30 houses) it never stays on the market for long. A home on Aspen Wood recently went up for sale and was sold within a matter of days *at the height of a global pandemic*. There are over 2.5 million people in northeast Ohio. If Mr. Sommers cannot find 30 some buyers for R80 homes *in this prime location*, he is in the wrong business.

The zoning map itself makes the argument for an R80 development. It is true that the proposed development's eastern border is adjacent to an existing R60 development. However, when one