

**PLANNING COMMISSION
CITY OF WILLOUGHBY
JUNE 11, 2020
REGULAR MEETING
MINUTES**

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

Chairman Wildermuth called the regular virtual Zoom meeting to order at 7:00 p.m.

MINUTES

Public Hearing Meeting Minutes

May 28, 2020

Dr. Norris moved to approve the Public Hearing Meeting Minutes for May 28, 2020 as submitted and Mr. Cox seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

May 28, 2020

Mrs. McCue moved to approve the Regular Meeting Minutes for May 28, 2020 as submitted and Mr. Cox seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

Regal Cinema, Inc.
36655 Euclid Ave.
(Rep.- Stephen Pickett, First Interstate Willoughby Ltd.)

New Conditional Use Permit

**City of Willoughby
Regular Meeting Minutes
Planning Commission
June 11, 2020**

Mr. Cox moved to untable Old Business for Regal Cinema, Inc., 36655 Euclid Ave., and Mr. Kary seconded.

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

Motion Carried: UNTABLED

Regal Cinema, Inc.
36655 Euclid Ave.
(Rep.- Stephen Pickett, First Interstate Willoughby Ltd.)

New Conditional Use Permit

Mr. Pickett of First Interstate Willoughby Ltd., 25333 Cedar Rd., Lyndhurst, OH, agent for Regal Cinema is representing this application for a new Conditional Use Permit.

Mr. Pickett said he is here this evening to request a new Conditional Use Permit (CUP) for Regal Cinema in Willoughby Commons.

Mr. Pickett said due to their various hours when movies come out and cleaning crews being in the building late into the evening, they would like to request their hours of operation be 24 hours, 7 days a week. He said as far as trash management, there is one large compactor in the rear of the building and is completely enclosed. Next to this compactor there is one grease container that is also completely enclosed and both are serviced by private trash providers. He said as far as parking, in the past, they had to rely on cross parking agreements, but in 2016 they renovated the theater and installed stadium seating, which greatly reduced the amount of seating. He said they have over 900 parking stalls in front of and behind the theater. He said at 1 stall per every 3 seats, they are now only required to have 455 parking stalls.

Mr. Keller said he would like a condition of the CUP to be that the over 900 current parking stalls remain for theater use only. He said there have been questions in the past about leasing these unused spaces to other businesses in the area for storage, cars etc. If they wanted to change this item on the CUP, they would have to come back before Planning Commission.

Dr. Norris moved to approve the new Conditional Use application for Regal Cinema, Inc., 36655 Euclid Ave., Willoughby, OH 44094 with the following conditions: 1) Hours of operation are 24 hours, 7 days a week, 2) The on-site dumpster in the rear of the property must remain enclosed by fencing, 3) The current capacity of the over 900 stalls for parking shall remain for theater use only and Mr. Cox seconded.

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

Motion Carried: APPROVED

**City of Willoughby
Regular Meeting Minutes
Planning Commission
June 11, 2020**

Proposed Subdivision

5363 SOM Center Rd.

(Rep.- Greg Sommers, Sommers Real Estate Group)

Major Subdivision

Mrs. McCue moved to untable Old Business for the Proposed Subdivision, 5363 SOM Center Rd., Willoughby, OH 44094 and Mr. Cox seconded.

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

Motion Carried: UNTABLED

Proposed Subdivision

5363 SOM Center Rd.

(Rep.- Greg Sommers, Sommers Real Estate Group)

Major Subdivision

Discussion of sketch plan presented.

Mr. Sommers of Sommers Real Estate Group is representing this application for a new Major Subdivision of 47 homes at 5363 SOM Center Rd., Willoughby, OH.

Mr. Sommers said they will agree to install sidewalks along the Rt. 91 corridor as previously discussed. He said there have also been discussions on drainage issues along Ridge Acres. He said some of these drainage issues will be subject to engineering but they will participate in that in any way they can. They are proposing privacy fencing behind lots 28 through 32. He also submitted a comprehensive plan that he would like to discuss. The mail center is a new concept which they have done it in a few other communities in Lake County and will be landscaped. He said they also have a comprehensive landscaping plan along the walking trail and said he would be open to any questions.

Mr. Kary asked if the complex will have a Homeowners Association (HOA), and will there be some common areas and fees based on those common areas, and Mr. Sommers said yes. Mr. Kary then asked if the HOA be responsible for the proposed fencing in terms of maintenance and repairs. He said the fence will be low maintenance white vinyl privacy fencing. He said he may need to research this further and answer this at a later date because the fence is not in a common area. He said they could possibly put stipulations on it to be maintained as a common area element.

Mr. Cox asked for clarification of how many homes would be allowed for this development. Mr. Sommers said they are asking for no more than 47 lots on the development plan. He said they agreed to a legal mechanism to make it run with the land, so it can never exceed 47 lots.

Mrs. McCue inquired as to why the fencing stopped after Sublots 631 and 632 in Ridge Acres and on the north side of the property by the bus drive. She said this could be a potentially noisy situation for the homeowners and there

**City of Willoughby
Regular Meeting Minutes
Planning Commission
June 11, 2020**

is a possibility of kids cutting through as well. She said this was also a question in a resident letter. She also asked if the retention basins will be wet or dry and has some safety concerns, as it is in close proximity to the school property.

Chairman Wildermuth said the fence is being installed as a courtesy to the neighboring properties and is not a requirement in the "R" zoning code and does not require fencing or screening between "R" district properties.

Mr. Sommers said they do plan on leaving some trees along the entire buffer. He said the challenge with installing fencing along the entire perimeter is they have to clear that site area to install fencing. He said along the bus drive he is hoping to install some subtle mounds with evergreens for screening and carry the evergreens from Sublots 4 to 10 and maybe even along Sublots 20 to 22.

Mrs. McCue asked the City Engineer, Mr. Lannon if this plan meets the cul-de-sac requirements and the zoning for the lots. Mr. Lannon said the overall density is less than the zoning allows. He said there are not dimensions on the plans, so as far as acreage and frontage, this will be reviewed when the preliminary plat is submitted.

Mrs. McCue said the north, south connector goes through the middle of the property and there is a path and it does not connect to the school; is it possible to work with the school to install a formal walkway to get from pavement to pavement. She asked if the homeowners would be able to install their own fencing and would there be a requirement for everyone to have the same type of fencing or would the HOA have restrictions on fencing. Mr. Sommers lost his connection to the Zoom meeting. Dr. Norris said it would be up to the declaration of bi-laws of the HOA as to what they allow. He said they typically default back to the code of the city. Mr. Kary said he has experienced this in his ward with different styles of fencing and it does not look aesthetically pleasing. He said the Board should suggest to Mr. Sommers that they stipulate a common fence style and height for the development so there is uniformity. Mr. Sommers rejoined the meeting via phone.

Mr. Lannon said one potential solution to the drainage issue on the east and south boundary is a perimeter storm sewer that would possibly be in the HOA easement that would require access and that would be interrupted by the side lot fencing. He suggested leaving this option open when it comes to the tree buffer as well as the fencing.

Mr. Kary asked if there will be detention or retention ponds for this development. Mr. Lannon said there are generally small pools in detention ponds, but there are provisions to design it either way. Mr. Kary asked if the Board could stipulate they would like detention ponds and Mr. Lannon said yes. Mr. Sommers said he would agree to whatever is practical.

Chairman Wildermuth said they are looking at a sketch plan that shows the general idea; sets the number of units and the general location etc. He said the final plan comes back to the Board after the details are worked out and it has been fully engineered. Mr. Sayles, former City Engineer, said this is only a sketch plan and the next submittal will be the preliminary plat, which requires a lot more information than the sketch plan submitted this evening. He said the preliminary plat will require Board approval. Lastly, they will prepare the detailed plans in the final plat and improvement plan which requires another approval by the Board.

Dr. Norris thanked Mr. Sommers for scaling down the plan to 47 homes which gives it the feel of an R-80 even though the development is zoned R-60. Dr. Norris asked if there would be access to the green space behind Sublots

**City of Willoughby
Regular Meeting Minutes
Planning Commission
June 11, 2020**

22 and 23. Mr. Sommers said he believes these will be wetlands that cannot be disturbed. Dr. Norris asked how this area would be maintained as common area. Mr. Sommers said they typically put a conservation easement on the property. They will put up plastic stakes stating this area cannot be entered or disturbed and will be left in its natural state. He said they have done this with other developments.

Dr. Norris asked what recourse does the city have, in the future, if this area becomes unsightly. Chairman Wildermuth said it belongs to the HOA at that point and Mr. Sommers agreed. Mr. Sommers said it should not be disturbed at all and would not require maintenance and would remain a small wooded area. He said in the final plat phase he will be submitting pretty strict declarations and bi-laws that cover open space areas, maintenance, access responsibilities, fees, conservation easements etc. Mr. Sommers said he would agree to get these bi-law/declarations to the City's legal department early on for review. Chairman Wildermuth said this is a requirement of the next step which is the Preliminary Plat approval.

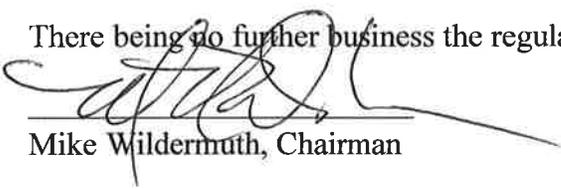
Dr. Norris asked about the Residential Incentive District (RID) which was mentioned in a previous discussion. Mr. Sommers said he had a meeting with the city administration to use this money for possible sidewalk improvements and other storm water improvements along the Rt. 91 corridor. He would participate in this program and the developer of the recently approved townhomes may participate as well.

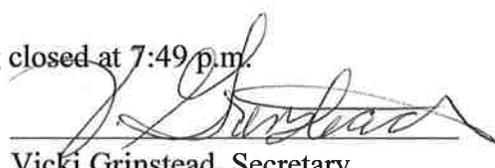
There was no action taken on this discussion.

NEW BUSINESS

None

There being no further business the regular meeting closed at 7:49 p.m.


Mike Wildermuth, Chairman


Vicki Grinstead, Secretary