

**PLANNING COMMISSION
CITY OF WILLOUGHBY
DECEMBER 14, 2023
REGULAR MEETING
MINUTES**

PRESENT: Ben Capelle; K. Kary; S. Norris, Chairman
ABSENT: J. Cook; M. Wildermuth; Tim Lannon, City Engineer
OTHERS: Keith Pedersen, Asst. Law Director; Larry Puskas, Chief Bldg. & Zoning Official;
Vicki Grinstead, Secretary

Chairman Norris called the regular in-person meeting to order at 7:17 p.m.

MINUTES

Public Hearing Meeting Minutes

November 9, 2023

Mr. Capelle moved to approve the Planning Commission Public Hearing Meeting Minutes for November 9, 2023 as submitted and Mr. Kary seconded.

ROLL CALL: Yeas: Ben Capelle; K. Kary; S. Norris, Chairman
 Absent: J. Cook; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

Regular Meeting Minutes

November 9, 2023

Mr. Kary moved to approve the Planning Commission Regular Meeting Minutes for November 9, 2023 as submitted and Mr. Capelle seconded.

ROLL CALL: Yeas: K. Kary; Ben Capelle; S. Norris, Chairman
 Absent: J. Cook; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

OLD BUSINESS

Chairman Norris said it was requested by the legal department to keep this item tabled.

Kirtland Tudor Estates
Stillman Lane/Tudor Dr.
(Rep.- Mike Ross, Paratto-Ross Real Estate)

**Lot split for PPN#21-A-022-0-00-029-0
into 3 parcels**

NEW BUSINESS

Lake Development Authority
38550 Jet Center Dr.
(Rep.- Patty Fulop, Lake Development Authority)

**Development Plan/EAS#14-10-23
Tree clearing & earthwork
for site of future hangars**

Ms. Fulop is representing the Development Plan/EAS for Lake Development Authority, 38550 Jet Center Dr., Willoughby, OH 44094.

Ms. Fulop said their project is a continuation of a project they began in 2021 where they were able to widen and extend an existing taxi lane. They will be removing some trees and doing earthwork at the end of the taxi lane to make some additional pavement for airplane parking and hangar streets.

Chairman Norris asked Ms. Fulop if she wished to proceed with only three of the five members present. He explained that all three members need to vote in favor of her application and she said yes. Ms. Fulop said they can only take trees down, as a government agency, between November 1st and the end of March because of the Indiana bats.

Mr. Kary addressed the EAS.

- Stormwater: Wetlands have been addressed. Wetlands study has been completed. The wetlands have been mitigated by purchasing wetlands credit.
- Traffic: No impact
- PD & FD: No issues
- Noise, water, air pollution: No issues
- No demands on school system.
- Hazardous Waste: None
- Timeline: Start in Spring 2024, Complete by July 2024.

Chairman Norris addressed the Development Plan/EAS. Mr. Kary asked if this project will have any impact on the Lost Nation Sports park soccer field. Ms. Fulop said no, it is inside the fenced area.

Chairman Norris said this is for future hangars. On the western side of the existing taxi lane and on the northern side of the northern most taxi lane, that abut other parcels, what buffer is there now or would remain. Ms. Fulop said to the north there is a required 100' buffer for the homes that will remain. She said to the west there is no buffer now but the Sports Park is there and there is no residential development in this area. It should not cause any issues and is the same as it has been for the last twenty years. She said there is just a fence there to prevent soccer balls from coming onto the airport land.

Mr. Capelle moved to approve the Development Plan/EAS#14-10-23 for tree clearing and earthwork for Lake Development Authority 38550 Jet Center Dr, Willoughby, OH 44094 and Mr. Kary seconded.

ROLL CALL: Yeas: Ben Capelle; K. Kary; S. Norris, Chairman
 Absent: J. Cook; M. Wildermuth
 Nays: None

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Motion Carried: APPROVED

Kava Sol
4055 Erie St./rear
(Rep.- Lindsay Kronk, Owner)

**Conditional Use Permit
for outdoor dining**

Ms. Kronk, owner is representing the Conditional Use Permit for Kava Sol, 4055 Erie St., Willoughby, OH 44094.

Chairman Norris asked Ms. Kronk if she wished to proceed with only three of the five members present. He explained that all three members need to vote in favor of her application and she said yes.

Ms. Kronk gave the board a rendering of the current patio (in record 12-14-23). She said they have followed all of the conditions requested by the Planning Commission at the last meeting six months ago and hope they can maintain their patio going forward. She would like to have a longer CUP and have had no noise complaints or loud music. She is not seeking any other changes to the CUP.

Chairman Norris recapped the conditions for the CUP: 1) Music, piped in or live shall remain at a conversational level, 2) Lighting is ambient, 3) There are no garbage receptacles, 4) No outdoor maintenance shall be performed from 12:00 a.m. through 6:00a.m., 5) Hours of operation for the outdoor patio usage are Monday through Sunday from 7:00 a.m. until 6:00 p.m., 6) Outdoor seating is capped at eighteen, 7) Bollards or a knee wall are installed to protect diners from vehicular traffic, not to effect drainage, 8) This CUP will terminate six months from the date of the Occupancy Permit for outdoor dining. He said #8 will be eliminated and will be a permanent CUP and Mr. Kary agreed.

Mr. Capelle moved to approve the Conditional Use Permit for Kava Sol, 4055 Erie St., Willoughby, OH 44094 with the following conditions: 1) Music, piped in or live shall remain at a conversational level, 2) Lighting is ambient, 3) There are no garbage receptacles, 4) No outdoor maintenance shall be performed from 12:00 a.m. through 6:00a.m., 5) Hours of operation for the outdoor patio usage are Monday through Sunday from 7:00 a.m. until 6:00 p.m., 6) Outdoor seating is capped at eighteen, 7) Bollards or a knee wall are installed to protect diners from vehicular traffic, not to effect drainage and eliminating condition #8 and Mr. Kary seconded.

ROLL CALL: Yeas: K. Kary; Ben Capelle; S. Norris, Chairman
 Absent: J. Cook; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

Kirtland Tudor Estates
Stillman Lane/Tudor Dr.
(Rep.- Mike Ross, Paratto-Ross Real Estate)

**Lot split for PPN#21-A-022-0-00-029-0
Parcel "C" for single family home**

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Chairman Norris said the city's legal department is recommending this application be tabled. Mr. Ross asked if he could address the commission and the chairman allowed him to speak.

Mr. Ross of Paratto-Ross Real Estate is representing the lot split for Kirtland Tudor Estates for Stillman Lane/Tudor Dr./ PPN#21-A-022-0-00-029-0, Willoughby, OH 44094.

Mr. Ross said he read and understands Mr. Lucas's email. He spoke to Mr. Lucas and they discussed the landlocked parcel. He said he had nothing to do with the condo lines and where they lie in the rendering. They are working with the condo owners in basically a land swap. They will give the hillside land behind the four attached units to the condo association and in turn they will give them the current condo land along Stillman and Tudor. Polaris Engineering is working on the legal descriptions for the condo land as well as the developer owned portions. He spoke with his title company/attorney and once they obtain all of the owner approvals it is two-week process. He asked for a conditional approval if they get all the pieces. Mr. Pedersen, Esq. advised the Planning Commission against doing a conditional approval and Chairman Norris agreed. Mr. Ross asked to have his application tabled.

Mr. Capelle moved to table the lot split for Kirtland Tudor Estates, PPN#21-A-022-0-00-029-0/Parcel #C, Willoughby, OH 44094 per the applicant's request and Mr. Kary seconded.

ROLL CALL: Yeas: Ben Capelle; K. Kary; S. Norris, Chairman
 Absent: J. Cook; M. Wildermuth
 Nays: None

Motion Carried: TABLED

Joseph Conti
38751 Hodgson Rd.

**Rezone PPN# 27-B-052-0-00-004-0
from Airport District to R-80
for single family homes**

Mr. Conti, 2760 Loreto Dr., Willoughby Hills, OH 44094 is representing this application to rezone from Airport District to R-80.

Chairman Norris asked Mr. Conti if he wished to proceed with only three of the five members present. He explained that all three members need to vote in favor of her application and he said yes.

Mr. Conti said the last time they came in with an R-60 rezoning request with sixteen homes but is now asking for R-80 with twelve homes, possibly one less depending on the layout, so it is less dense. He said at the last meeting Chairman Norris read some notes from Mr. Kary who requested possibly doing rear loading garages. That scenario was submitted with the EAS by accident but is not what he is currently proposing. They would add retention to the left where the lot is too small to be utilized for residential property as well as adding detention in the rear of the property. This could be a swale or another detention pond. They may add a fence inside of the swale which will prevent people from jumping the fence into the swale and give the residents privacy from the golf course. He spoke to Patty Fulop from the airport in regard to the detention pond and water fowl being in the area of the airport so they may consider underground detention. There will be an H.O.A. and possibly a fountain, if it holds water, and add fencing and landscaping. He will follow any FAA required regulations.

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Mr. Conti said his intention is to keep the homes at least fifty feet setback so they can add the requested turn arounds for the driveways so no one is backing out onto Hodgson Rd. The ditch will be underground detention which will eliminate the water issue. They did a traffic study and it is a bit less than what was previously proposed. The required setback will be double what is required between each home. The architect is working on the plan so it does not look like a row of homes.

Mr. Kary is pleased to hear what Mr. Conti is proposing and took ques from his notes from the last meeting. Mr. Pedersen said the EAS in the rezone will not be legally binding and he will come back to Planning Commission with a Development Plan and EAS.

Mr. Kary wanted the residents to know if this remains as Airport District there could be other permitted businesses that could be a negative for this area such as a motel, storage facility etc. They started out with forty homes and are now down to twelve and feels this is better for the neighborhood.

Mr. Kary addressed the EAS.

- **Stormwater:** High wall plumbing w/grinder pumps for basement connections. Need to extend sewer from existing stub at Lost Nation to the new site. Sanitary sewer able to handle capacity. Wetlands walk through will be required with development submittal. Follow code for stormwater detention.
- **Traffic:** Will impact the existing problem on Hodgson-Lost Nation Roads where a traffic signal was warranted for this location. Applicant needs to provide an updated traffic study that is comprehensive in scope. Developer should provide funds to city for a future traffic solution based on number of homes constructed. Sidewalks required across entire frontage of Hodgson Rd. as well as internally per code.
- **FD & PD:** PD, no concerns. FD, increased burden on the FD and driveways should have turn arounds unless rear garages are constructed.
- **Noise, water, air pollution:** No concerns
- **Impact on schools:** Minimal
- **Hazardous waste:** No concerns
- **Safety:** Golf course wants fence installed by developer who agreed. HOA docs to include golf course not responsible for any damage to homes by golf balls. Possibly have residents sign a waiver.
- **Timeline:** Begin Spring 2024, complete 2 years or 2026

Mr. Conti agreed to all of the terms above for the EAS including the contributions to the city for a future traffic solution to be held for a certain period of time, to add to purchase agreement for the homes for the golf course not being liable for any damage from golf balls and sidewalks are a requirement. Chairman Norris said if he does rear loading garages then the turn around would not be required. He said as far as traffic and per the EAS; the am trips would be eleven and the pm trip total would be fourteen; this is based on twelve homes. Chairman Norris said the home buyers will most likely be asked to sign a document acknowledging they live near an airport and airplanes will fly overhead. He lives down the street and had to sign this document.

Mr. Conti said he will be the builder for this development. RSA Architects out of Chagrin Falls will be providing the buyers three different styles of homes.

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Mr. Kary said he would prefer signs to be posted so that no one can park on Hodgson Rd. Chairman Norris said he thinks that is something the city handles, not the developer.


Chairman Norris said someone brought up an eagle's nest nearby and asked Mr. Conti to comply with any requirements in place for endangered species and he agreed. On the EAS, page 4 they will rescind the rendering that shows 19 homes and add the correct rendering showing twelve homes.

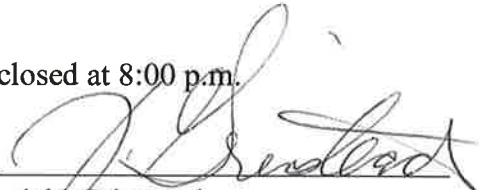
Mr. Capelle moved to approve the rezone from Airport District to R-80 for Joseph Conti, 38751 Hodgson Rd./ PPN# 27-B-052-0-00-004-0, Willoughby, OH 44094 and Mr. Kary seconded.

ROLL CALL: Yeas: Ben Capelle; K. Kary; S. Norris, Chairman
 Absent: J. Cook; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

There being no further business the regular meeting closed at 8:00 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary