

**PLANNING COMMISSION
CITY OF WILLOUGHBY
APRIL 28, 2022
REGULAR MEETING
MINUTES**

PRESENT: K. Kary; M. Wildermuth; S. Norris, Chairman
ABSENT: J. Cook; J. McCue; Darryl Keller, Chief Bldg. & Zoning Official
OTHERS: Stephanie Landgraf, Asst. Law Director; Tim Lannon, City Engineer;
Karen Brooks, Zoning Code Inspector; Vicki Grinstead, Secretary

Chairman Norris called the regular in-person and Zoom meeting to order at 7:00 p.m.

MINUTES

Public Hearing Meeting Minutes

April 14, 2022

Mr. Wildermuth found a typo on page 1 which will be corrected.

Mr. Wildermuth moved to approve the Public Hearing Meeting Minutes for April 14, 2022 as amended and Mr. Kary seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

April 14, 2022

Mr. Wildermuth moved to approve the Regular Meeting Minutes for April 14, 2022 as submitted and Mr. Kary seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

Shepherd's Glen
Euclid Ave./PPN#27-A-006-N-00-OCL-0
(Rep.- Ken Lurie, Owner, Chuck Szucs, Polaris Engineering
& Surveying)

**Major Subdivision,
Final Plat
(fee simple townhomes)**

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Mr. Wildermuth moved untable a Major Subdivision Final Plat for 48 fee simple townhomes for Shepherd's Glen, PPN#27-A-006-N-00-OCL-0/Euclid Ave., Willoughby, OH 44094 and Mr. Kary seconded.

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

Motion Carried: UNTA BLED

Chairman Norris asked all applicants if they wished to proceed with only three of the five members present and all applicants wished to proceed.

Mr. Lurie of the Orlean Co., 23925 Commerce Park, Beachwood, OH and Mr. Szucs, Polaris Engineering, 34600 Chardon Rd., Willoughby Hills, OH are representing a Major Subdivision Final Plat for fee simple townhomes for Shepherd's Glen, PPN#27-A-006-N-00-OCL-0/Euclid Ave., Willoughby, OH 44094.

Mr. Szucs said they are before this board this evening for a final plat. He handed the board the vacation and final plat for the record (Exhibit "A"). He said they have to eliminate the parcels and file the final plat. The Law Department requested the vacation plat, and they also took care of tax map comments. Once the parcels are vacated the fee simple plat will be filed.

Mr. Lurie said the current thirty-six condominium homeowners have all agreed to move this forward. They have formed a new fee simple association and the existing homeowners have their condominium association, which will remain. They have a master association which will manage both associations and the fees will remain at \$265. 00.

Chairman Norris asked if this is documented with their association. Mr. Lurie said he does not yet, and it needs to be signed by 75% of the homeowners. He said they just reached an agreement and will take a couple of weeks to obtain all of these signatures via certified mail. It is his understanding that they cannot file this plat until these approvals have been documented. Mr. Szucs said it will probably be the signatures on the vacation plat.

Chairman Norris asked if this approval would be contingent upon the signatures. Ms. Landgraf asked if they have the approvals but are just waiting for them to sign and Mr. Lurie said yes. Ms. Landgraf said it should be contingent upon them providing the proper documentation. Chairman Norris said this is to join the master H.O.A.

Mr. Kary moved to approve a Major Subdivision Final Plat for 48 fee simple townhomes for Shepherd's Glen, PPN#27-A-006-N-00-OCL-0/Euclid Ave., Willoughby, OH 44094 as submitted but with the condition that 75% of the membership of the current associations agree to join the master association and the documentation is to be provided to the city and Mr. Wildermuth seconded.

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

Motion Carried: APPROVED

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Family Dollar

38000 Euclid Ave.

(Rep.- Joe Myers, Myers Architect & Mark Simms, Owner)

**Development Plan/EAS#4-3-22
(retail store)**

Mr. Wildermuth moved untable the Development Plan/EAS for Family Dollar, 38000 Euclid Ave., Willoughby, OH 44094 and Mr. Kary seconded.

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

Motion Carried: UNTABLED

Mr. Myers of Myers Architect, 38030 Second St., Willoughby, OH 44094 and Mr. Simms, are representing this application for a Development Plan/EAS for Family Dollar, 38000 Euclid Ave., Willoughby, OH 44094.

Mr. Myers said his role in this project is site plans with landscaping and to answer any EAS questions. He said there is a representative (Major) with the Everbrite Sign Co. present to answer any sign questions and Mr. Simms is here representing Family Dollar for the reimaging of the exterior of the building.

Major of Everbrite Sign Co. is representing the joint partnership between Dollar Tree and Family Dollar. The wall signs are individually set, internally lit channel letters that will be mounted to the building. There is also a canopy that extends out three feet; one side is red and the other green, representing each company. There is an existing post and panel sign, and they will be installing non-illuminated aluminum panels. Mr. Wildermuth said this type of information will need to go before the Sign Review Board and is not within this board's purview. Mr. Kary said the ground sign is not very professional and is not in the best location.

Mr. Wildermuth said there is no one to speak from Family Dollar and Mr. Simms said he is authorized to speak on their behalf but with perimeters.

Mr. Kary addressed the EAS. He said this building has an extensive history of being many types of businesses. Mr. Lannon said there are no concerns with storm water because there is no redevelopment plan and no ground disturbance beyond the ordinance limits. Traffic: PD: will likely increase but should have no negative impact, FD: will have minimal impact. Noise, water, and air pollution: Mr. Kary asked if between the martial arts studio and the Family Dollar will there be any outdoor activities such as cleaning of equipment, outside sales etc. Mr. Myers said no. Mr. Kary said there is no impact on the schools. The timeline to start the project will be summer of 2022. Hazardous waste: Mr. Simms said the board asked him to provide documentation that there are no underground storage tanks left from the former service station at the last meeting. He said there have been Phase I studies. He said the tanks were removed and the city supervised it. Mr. Kary has a map showing six underground tanks and asked if they have all been removed. Mr. Simms read an excerpt from the report that these were removed. He said the state Fire Marshal was also contacted regarding this report. He went on to read "there exists no visible evidence that would suggest any hazardous or petroleum underground storage tanks." Mr. Simms said this report was done by Gem Testing in Cleveland in 2004. Mr. Simms said he has several different reports stating the same evidence. Chairman Norris asked if Mr. Simms could provide a copy of this report to the City Engineer, Mr. Lannon

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and the Law Department and he agreed. Mr. Kary said he has a letter from the Department of Commerce dated August 3, 2006 that states B.U.S.T.E.R, (Bureau of Underground Storage Tank Regulations), has determined that the soil and/or ground water contamination exists in excess of the action levels applicable to this site (Exhibit "B"). Chairman Norris said as long as Mr. Simms can provide proof this has been mitigated, he is fine with this. Mr. Simms said he will provide the documentation.

Mr. Myers said this is an existing parking lot and there are three businesses on the property. The city zoning inspector said they have ample parking. They suggested the landscaping be improved and they did do a landscape plan that showed the plant material. There are no new entrances or exits and the rest is existing. The retail use is an approved use for the area.

Chairman Norris read into record a memo from Mayor Fiala dated April 28, 2022. He said this is one of several gateways' areas to the city and this one is in the historic district. This board has worked with many developers to make these projects look aesthetically pleasing when entering the city or historic area.

Mr. Kary said he researched renderings of Family Dollar stores that have dozens of windows and in this facility, they are removing windows in a historical district. He would like to see the arched windows repaired, replaced, or kept. The palette of colors submitted for the exterior of this building are not historical and the Design Review Board will be reviewing this as well. He would not pass the development plan with these colors. He would like a unified building design, not one that deletes windows, or has dramatic a bold color addition that extends beyond the historical color palette and the lack, on the part of the applicant, to embrace the historical district. He would also like to see some landscaping in the parking lot which is a city ordinance.

The building south elevation along Wilson Ave. is the martial arts studio which remains unchanged. The front elevation is north, and the rear elevation is east. The board would like windows along the north elevation, new or keep the existing. Mr. Wildermuth said the mayor's memo says they would like to see this side of the building veneered with matching brick. Chairman Norris asked Mr. Simms if he would agree to keep or replace some of the existing windows. Mr. Simms said this may disrupt the isles they have already laid out and suggested mock windows. Chairman Norris asked if he would remove the second story windows. Mr. Simms said he would like to remove them but will keep them if the board prefers. Mr. Kary said he would like them to stay with minor accent changes and colors and the bottom windows to be similar to the Mayor's rendering. He said if they remove the windows it will look like a storage facility with an entryway. Chairman Norris asked if he would be willing to keep the spacing like the two square windows along Euclid Ave. where the former salon was even if they are false windows to provide symmetry. Mr. Simms said he thinks it would be a good compromise. Mr. Wildermuth said the second-floor windows may not match up with the bottom row, so he suggests removing them. He also suggested in the Mayor's rendering to remove the third window and just have two windows flanking each side of the entrance and Mr. Simms agreed. Chairman Norris said he would be in favor if Mr. Simms installs the false windows on each side of the entrance and fills in the second story windows but is unsure, he can make the upper windows match. Mr. Wildermuth and Mr. Kary both agreed with this plan and so did Mr. Simms.

Mr. Wildermuth said there is a band that goes around the building of Wainscot with a water table at the top and would like it to run down the whole side of the building for consistency and Mr. Simms agreed. Mr. Wildermuth asked if the upper windows would be bricked or toothed in. Mr. Myers said when it was being painted, they were going to fill them in because everything would be the same color. Mr. Simms said if he toothed the windows in it would double the price. The whole interior second floor will be removed and will be a high ceiling.

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Mr. Wildermuth said one of the comments from the administration said at the corner of Wilson and Euclid Ave. that should be filled in with landscaping and remove the parking spaces that come in from the side street. There was also a suggestion to relocate the existing ground sign. Mr. Simm's concern was losing parking spaces for the current martial arts tenant. Chairman Norris said if Mr. Simms cannot tooth in the windows than maybe he could compromise and put in the green space on this corner, and it would alleviate the required 30% green space. Chairman Norris said he can ask his tenant about not removing any of the six parking spaces but the hardscape strip along Euclid Ave. would become green space and an entrance to Downtown Willoughby with the caveat that this could alleviate the required island green space. Mr. Simms said he would speak with his tenant. Chairman Norris said if Mr. Simms agrees to continue the Wainscot around the building to match the existing two-tone coloring and installs the green space on the corner, this may cover that gap of required green space, then they may allow him to fill in the upper windows and paint. Mrs. Brooks said 20% open landscape area is what is required for the lot and 5% for interior parking lots. When the Chief Building Official initially reviewed this submittal, he left it up to the Planning Commission because there was no development changing anything in the parking lot or anything else to that affect.

Mr. Kary said the Design Review Board (DRB) has the final approval for this project. Chairman Norris asked if they would like to go before DRB and come back to Planning Commission after their approval. Mr. Simms asked to have his plan tabled this evening. Mr. Wildermuth said the DRB will probably not like the stripes on the building or the bright colors of the two signs.

Mr. Wildermuth moved to table the Development Plan/EAS for Family Dollar, 38000 Euclid Ave., Willoughby, OH 44094 and Mr. Kary seconded.

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

Motion Carried: TABLED

NEW BUSINESS

Kirtland Tudor Estates

Tudor Dr.-S/L 11

(Rep.-Mike Ross, Paratto-Ross)

Lot split/

PPN#21-A-022-0-000-029-0

Mr. Ross, 4735 Wood St. Willoughby, OH 44094 of Paratto-Ross is representing his application for a lot split for Kirtland Tudor Estates, Tudor Dr.-S/L 11, PPN#21-A-022-0-000-029-0, Willoughby, OH 44094.

Mr. Ross is here this evening seeking approval to split off S/L 11 in Kirtland Tudor Estates from the remaining balance of land for a new single family fee simple home. He presented the board with a title survey and site plat dated 4/28/22. The lot has been vacant for ten years and is the focal point of the development but is not part of the condominium development.

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Mr. Wildermuth asked if there are any problems with the house against the berm. Mr. Lannon said there is an existing swale which could be modified. Mr. Ross said it is his understanding there is a natural swale which will be built up to redirect the water toward the front catch basin.

Mr. Wildermuth moved to approve the lot split for Kirtland Tudor Estates, Tudor Dr.-S/L 11, PPN#21-A-022-0-000-029-0, Willoughby, OH 44094 as submitted, and Mr. Kary seconded.

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

Motion Carried: APPROVED

Signature Health
Mentor Ave.

**Lot split/
PPN#27-A-032-0-00-015-0**

(Rep.- Bill Brooks Willoughby SR20 MOB LLC)

Mr. Brooks of Willoughby SR20 MOB LLC is representing his application for a lot for Signature Health, Mentor Ave./ PPN#27-A-032-0-00-015-0, Willoughby, OH 44094.

Mr. Brooks said they are requesting a lot split for a parcel that is split zoned with the front parcel zoned commercial and the rear portion Residential. They are currently working with Signature Health to construct a facility on the commercial piece. He said they have no interest in the back portion of the parcel.

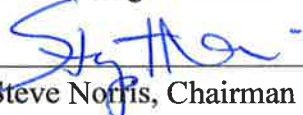
Chairman Norris said they will be split into Parcel A and Parcel B and Parcel A is primarily roadway. Mr. Wildermuth said they have already been before the board and were approved for the Development Plan/EAS. Chairman Norris said this lot split was approved by the Board of Zoning Appeals at their meeting on April 27, 2022.

Mr. Wildermuth moved to approve a lot for Signature Health, Mentor Ave./PPN#27-A-032-0-00-015-0, Willoughby, OH 44094 as submitted, and Mr. Kary seconded.

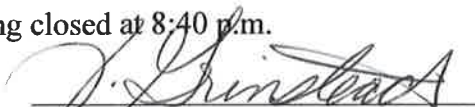
ROLL CALL: Yeas: M. Wildermuth; K. Kary; S. Norris, Chairman
 Absent: J. McCue; J. Cook
 Nays: None

Motion Carried: APPROVED

There being no further business the regular meeting closed at 8:40 p.m.



Steve Norris, Chairman



Vicki Grinstead, Secretary