

**PLANNING COMMISSION
CITY OF WILLOUGHBY
NOVEMBER 12, 2020
REGULAR MEETING
MINUTES**

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

Chairman Wildermuth called the regular virtual Zoom meeting to order at 7:03 p.m.

MINUTES

Public Hearing Meeting Minutes

October 22, 2020

Dr. Norris moved to approve the Public Hearing Meeting Minutes for October 22, 2020 as submitted and Mrs. McCue seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

October 22, 2020

Mrs. Grinstead said there was an extra sentence on page 2 that will be removed.

Mrs. McCue moved to approve the Regular Meeting Minutes for October 22, 2020 as amended and Mr. Kary seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

This items remains tabled per the applicant's request.

Former YMCA
37100 Euclid Ave.
(Rep.- Greg Sommers, Sommers Real Estate Group)

**Lot Split/PPN#27-A-015-0-00-018-0,
27-A-015-0-00-005-0,
27-A-015-0-00-004-0,
27-A-015-0-00-017-0,
Parcel A- 1.0 acres,
Parcel B- 1.031 acres,
Parcel C (Remaining
parcel)- 1.8492 acres**

This items remains tabled per the applicant's request.

Former YMCA
37100 Euclid Ave.
(Rep.- Greg Sommers, Sommers Real Estate Group)

**Rezoning/EAS
Rezoning of front parcels:
PPN# 27-A-015-0-00-018-0,
27-A-015-0-00-005-0,
27-A-015-0-00-004-0,
27-A-015-0-00-017-0
from Residential Multi-Family Low
Rise to General Business**

This items remains tabled per the applicant's request.

Former YMCA
37100 Euclid Ave.
(Rep.- Greg Sommers, Sommers Real Estate Group)

Development Plan/EAS

NEW BUSINESS

Abbott's Mill Subdivision
5363 SOM Center Rd.
(Rep.- Greg Sommers, Sommers Real Estate Group)

**Final Plat, Improvement Plans and
Landscape Plans**

Mr. Sommers of Sommers Real Estate Group, 8500 Center St., Mentor, OH 44060 is representing the Final Plat, Improvement Plans and Landscape Plans for the Abbott's Mill Subdivision, 5363 SOM Center Rd., Willoughby, OH 44094.

Mr. Sommers is asking for the Final Plat, Improvement and Landscape Plans to be approved this evening. He said they have received comments in regard to engineering and does not see any major issues. He knows the name of the development is still a concern and is open to changing the name. He is willing to submit a list of alternate names for the community to the Planning Commission members and get some feedback.

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Ms. Landgraf said the plat would have to be amended if there was a name change, which would require them to come back before the Board. She suggested tabling this evening to give Mr. Sommers time to change the name on the plat. Once it is approved and recorded, you would have to amend the whole plat just to change the name.

Mr. Sommers said he would like to discuss the other issues in regard to the development and then table the application until the next meeting.

Chairman Wildermuth said one of the items was the refinement of the landscaping, which has been resubmitted and asked Mrs. McCue for comments. Mrs. McCue said the clearing has been taken to the property lines in all instances except the northeast corner. The fencing is still on the plan and would like some indication as to what type of fence it would be, and the original intent was a screen fence. She would like additional plantings in the southeast corner since there was previous discussion about leaving as much vegetation around the perimeter as possible. Mr. Sommers agreed with Mrs. McCue. He said they would use a white vinyl type buffer fence and believes a 6' fence is what is allowed. Mrs. McCue said she understands why he had to clear to the lot to install the fence, but would like to see a mix of evergreen trees and some shade trees that would complement that area. He said he will enhance the landscape plan with screening and add plantings as described above and will resubmit.

Mrs. McCue said lots 5-9 are cleared to the property line and are wide open to the driveway with the busses, and would like him to reconsider adding a fence or screening in that area. She said this would also add some privacy for the future homeowners. Mr. Sommers said he would like to speak with Mr. Lannon in regard to the grading plan. He does not want to clear cut this to the property line, but still wants to install the needed drainage. He will have his landscape architect beef up the plantings in that area. He would like to set up a meeting with Mr. Lannon and also do a site walk with Polaris Engineering.

Mrs. McCue said one of her other issues was addressed in the city engineer's comments in regard to the open space (Block "C") in the northeast corner as far as access, and wants it accessible for maintenance issues. She said it also appears there is not a sidewalk along Rt. 91. Mr. Sommers said that was an oversight on his part and there will be sidewalks installed along Rt. 91 as previously discussed. He said the landscaping in the northeast corner will be a challenge and he does not want to disturb it. He said it will not be accessible; it will essentially be a buffer. He will discuss this with Mr. Lannon and come back with comments for the Board. He said he will add to the decs and bi-laws that he HOA will maintain that area.

Mr. Kary wants to confirm the sidewalks will go in along Rt. 91 with tree lawns. Mr. Sommers said he agrees with that and will agree to whatever Mr. Lannon thinks will be best. He said he did meet Mr. Lannon and Mr. Sayles on the site and will provide an easement for the future drainage for Aspenwood.

Dr. Norris said his only concern was the name of the development for the safety forces to be able to delineate between a street and development name. He suggested checking with the Safety Director/Mayor in regard to the name of the development, so there is no confusion.

Mr. Kary wanted confirmation on Mr. Sommer's timeline for the development. He said in winter of 2021 infrastructure would be put in. The spring of 2021 streets would go in and in the summer/fall of 2021 homes will be constructed. Mr. Sommers said that he is 100% committed to that schedule barring any unforeseen engineering and/or administrative issues. Mr. Sommers said as far as the permitting of the wetlands, they submitted, a few

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weeks ago, to the Ohio EPA for isolated wetlands, through HEW, a Level One permit. The approval was estimated to take approximately forty-five days. He said as soon as that is approved they will proceed with clearing the land and obtaining engineering approvals. He said they will not let the property sit; they will aggressively pursue it and get it paved as soon as the weather breaks.

Mr. Kary wanted to reiterate Mr. Sommers is committed to the storm water outlet for the Aspenwood cul-de-sac and Mr. Sommers said yes. Mr. Kary also asked if there were any issues with water run-off, after this development is completed, with the homes in Ridge Acres would he, in the future, commit to mitigating these issues and Mr. Sommers said yes 100%.

Dr. Norris moved to table the Final Plat, Improvement Plans and Landscape Plans for the Abbott's Mill Subdivision, 5363 SOM Center Rd., Willoughby, OH 44094, per the applicant's request, and Mrs. McCue seconded.

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

Motion Carried: TABLED

Karbella Construction
38333 Pelton Rd.
(Rep.- Shane Pierce, Owner)

**Amend Conditional Use Permit,
fence ht. from 10 ft. to 7 ft.**

Mr. Pierce is representing the amendment to his current Conditional Use Permit (CUP) for Karbella Construction, 38333 Pelton Rd., Willoughby, OH 44094.

Mr. Pierce is hoping to have a 7 ft. fence approved and believes a 10 ft. fence was too tall for what his business does. Mr. Keller does not have an issue with this request. The code has been revised since this approval. Mr. Keller said in some areas a 6 ft. fence is suitable. He said 7 ft. is an unusual height for a fence. Mr. Pierce said it will be a privacy chain link fence with slats. Mr. Keller asked Ms. Landgraf if Mr. Pierce can amend his request to 6 ft. and she said he cannot and would have to reapply for another amendment to his CUP, but if he wanted to amend it to 8 ft. he could do that this evening. There was a brief discussion on the change in the code for fencing. Dr. Norris's concern was that in the future the applicant could store items above the 6 ft. high fence. Mr. Pierce said he would not stack anything above the level of the 6 ft. fence. There was a brief discussion on this issue.

Dr. Norris asked if the Board would be within their right to allow the 6' fence, but then stipulate that nothing can be stored above the height of the fence. Ms. Landgraf said they should state nothing should be visible higher than the 6' barrier or height of the fence. Mr. Keller said if Mr. Pierce reapplies for a 6' fence he would meet the requirements of C.O. 1155.04(ii).

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Mr. Pierce has asked to withdraw his application for the amendment of his CUP. He will reapply for the height of the fence to be reduced to from a 10' fence to a 6' fence.

DISCUSSION

Planning Commission

**Willoughby Proposed Public Art
Code**

Mr. Kary said he read the proposed art code and has some edits he will submit to the administration. He is excited about this plan for the city. Mr. Kary asked where the money goes when it is taken in; he believes it was not addressed, in detail, in the code. He said an example is a development is presented, and can contribute "x" amount of money for art; they can either put art on their own property or contribute the money to the art fund and not have art work on their property.

Mayor Fiala explained that they are still working on some changes to the code and that is why this is a draft being presented this evening. Mayor Fiala explained they will be establishing, within the city's budget, a fund called "arts fund". He showed the Board a flow chart on the shared screen and explained how this procedure works. A developer's fee will be based on a formula presented by Ms. Kris Hopkins of CT Consulting. There are two sections of the code; the arts code and the funding of the public arts.

The arts fees are meant to create a pool of money for public art within the City of Willoughby. This money is distributed into a public arts fund within the City of Willoughby's budget. He explained the flow chart and how the money is spent and how the art is chosen.

Mr. Kary asked if a developer decides to hire their own artist and pay for the art themselves, how does that work. Mayor Fiala said they first determine the fee for the public art and it will then come before Planning Commission for approval.

Mr. Kary has concerns with the lifespan of art being twenty years, and if someone wants to do a piece of temporary art, such as chalk art. Ms. Hopkins said that the twenty-year timeframe is in regard to a developer installing art work on their own property. She said temporary art is fine if it is something the city would manage or sponsor. Mr. Kary also would like to see performance art addressed in the code as well and Mayor Fiala agreed.

Mayor Fiala said there are some projects beginning in the city and they would like to have this code in place beforehand. Mr. Chip Marous of Marous Development Group has discussed this with the administration and has voiced no objection. Mr. Kary said the Willoughby Arts Collaborative (WAC) had mentioned putting art on Mr. Marous's Second St. building and he said, publicly, he has supported the arts on other developments that he has created and contributed to.

Mrs. McCue asked how the projects are prioritized or identified as far as the funds and art. Mayor Fiala said an artist can come forward or it would come out of the Public Arts Committee (PAC). He hopes PAC will be not only be a reviewing agency, but will bring projects forward to the city. Ms. Hopkins said some cities do have something called an Art Master Plan that identifies location, priority or suitable location, which then can be vetted through the


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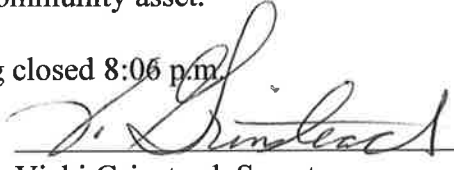
city. This would become the policy document that PAC could utilize in terms of identifying where public project funds would be spent. Mayor Fiala said this would be a great task for WAC to create and would be similar to the Historic Guidelines utilized by the Design Review Board. He said the city must be cautious not to favor a project because a developer offers to fund a piece of art. It should have no bearing on their approval.

Mrs. McCue asked if there is language to distinguish between signs being a sign or being art. Ms. Hopkins said yes there is a section on this. She said they could "beef that section up" to make that distinction.

Mrs. McCue asked if hospitals should be excluded from this code in Section 1183.04. Ms. Hopkins said that is a good point and she will look into it. Mrs. McCue said some type of grandfather clause should be added for existing art in the city. The Mayor suggested possibly adding this to the Art Master Plan and Ms. Hopkins agreed. She said these items should be addressed as a landmark or community asset.

There being no further business the regular meeting closed 8:06 p.m.



Mike Wildermuth, Chairman

Vicki Grinstead, Secretary