

**PLANNING COMMISSION
CITY OF WILLOUGHBY
APRIL 11, 2024
REGULAR MEETING
MINUTES**

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

Chairman Norris called the regular in-person meeting to order at 7:31 p.m.

MINUTES

Regular Meeting Minutes

March 28, 2024

Mr. Cook moved to approve the Planning Commission Regular Meeting Minutes for March 28, 2024 as submitted and Mr. Capelle seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

Everett Woods

Kirtland Rd./PPN#21-A-022-0-00-033-0
(Rep.- Greg Sommers, Sommers Development Group,
Mike Marous, Driven 4 Group, Greg Soltis, RDL Architects)

**Development Plan/EAS#6-1-24
for 34 townhome bldgs./w/128 units
& club house on 16.2566 acres**

Mr. Capelle moved to untable the Development Plan/EAS#6-1-24 for Everett Woods, Kirtland Rd./PPN#21-A-022-0-00-033-0, Willoughby, OH 44094 and Mr. Cook seconded.

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

Motion Carried: UNTABLED

Chairman Norris asked the applicant if he would like to proceed with four of the five members present and Mr. Sommers said yes.

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Mr. Sommers of Sommers Development Group is representing the Development Plan/EAS#6-1-24 for 34 townhomes buildings consisting of 128 units.

Mr. Soltis gave some background on how they came up with the current plan and some of the history. They wanted to create something similar to a little village with Tudor architecture. He said there are sidewalks and walking paths for the residents.

Mr. Kary addressed the EAS. Mr. Kary asked Mr. Sommers to agree to the following items and Mr. Sommers said yes.

- Stormwater: City Engineer recommends geotechnical engineering study to determine slope stability. Mr. Sommers has completed & will send to city engineer. Code requires 35' stream bank setback to be left in natural state & 50' setback from the stream bank to buildings & structures. Wetlands report required. Sewer system has limited capacity so high wall plumbing w/grinder pump for basements is needed (walk out basements). Requires study for expected surcharge elevations (capacity study). Stormwater retention per code. Mr. Sommers said the plan is to expand the existing basin and will do a capacity study. System not designed to accommodate fully developed land. County to test water flow for low water pressure in area. Expanding existing retention basin.
- Traffic- Need traffic sight distance study at egress.
- FD & PD- PD: concern is line of sight exiting the complex, FD: water supply to be checked by county to assure that fire suppression activities can adequately take place.
- Noise, water, air pollution- no concerns
- Impact on schools: Kirtland Schools (marginal impact), Not W/E school system.
- Hazardous waste: no concerns
- Timeline: Start: end of 2024, Complete by: 2.5-3 years (phasing). Lease out every 6 months.

Ms. Cyvas, Engineer for CT Consultants explained the surcharge elevations. They are asking for a capacity study to make sure how often it will surcharge and how it will affect his development. Mr. Sommers said they will contact the city engineer to make sure all of this information is provided. Ms. Cyvas asked that Mr. Sommers highlight any slopes that are greater than 20% & 25% for the conservation overly district and dimension the stream setbacks so they know they are abiding by them for the engineering review. Also, after receiving wetlands report, note the wetlands on the plans. No roadway or driveway over 25% and no buildings or parking over 20%. Mr. Sommers said they will note it on the grading plan.

Chairman Norris reiterated what will be required of the applicant; the trip generation study is needed as well as a sight line distance study, the engineering documents required by CT Consultants including capacity study (for surcharging), wetland documents, and conservation overlay documents.

Chairman Norris address the landscaping plan. Mr. Sommers said they want the landscaping to be above and beyond a normal landscape plan and is split-complementary. Chairman Norris said Mr. Marous mentioned phasing this development so will the existing foliage be removed in phases or all at once. Mr. Sommers said they are

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currently at approximately 54% open space and are building on only seven of the sixteen acres. Mr. Marous said because of the site grading and slopes they will have to clear it all at once. Chairman Norris asked how high the mounding will be along Kirtland Road. Mr. Soltis said three to four feet high and will have plantings on top but will also need to maintain visibility. Mr. Sommers said this is a maintenance free community so the entire site will be professionally managed by a landscaping company which includes snowplowing. Chairman Norris said if they need to change out a species of shrub/bush etc. make sure they are all consistent throughout and Mr. Sommers agreed.

Mr. Kary asked what the price point are for these townhomes. Mr. Sommers said these will be leased and will be \$2,800-\$3,800 per month. Their target will be young professionals or snow birds who do not want to purchase a home here.

Chairman Norris asked Mr. Sommers to make sure there is a good barrier where his development abuts the Kirtland Tudor homes. Mr. Sommers said he visited the development today and they have a forty foot mound behind them. He committed to some of the residents he spoke to, and who are here this evening, to plant some trees on the mound with their permission. He said you could be on the second story of the homes and not see over that mound but they will still provide their buffering and trees. Mr. Capelle said he appreciates the internal sidewalk system included in their plan.

Chairman Norris asked what the street width is at the minimum. Mr. Marous said they met with the Willoughby Fire Department a couple times to make sure they have a balance but did comply. Mr. Sommers said 20' for the internal (secondary or service drives) and most of the main roads are 24'. They will have a roll curb for on street parking but may have a mixture throughout the development. They also provided pedestrian bump outs for people crossing the street.

There was some discussion on sidewalks along Kirtland Rd. Mr. Sommers said he would have to discuss this with the City Engineer because of the topography and sloping. Mr. Kary said it is a city code and wants Mr. Sommers to commit to work with the city engineer to accomplish this if possible and would agree to let Mr. Lannon determine if this would be feasible and Mr. Sommers agreed. Chairman Norris said the sidewalk on the far western edge that is not indicated on the plan should connect to the bridge, but would also defer to the city engineers expertise on this issue to determine compliance and if it is possible to install and Mr. Sommers agreed.

Mr. Sommers said they obtained their variances for building separation for buildings 5,6,7,11 & 12 on February 28, 2024. Chairman Norris said the Development Plan/EAS is contingent on the approval of the Conditional Use Permit (CUP).

Mr. Capelle moved to approve Development Plan/EAS#6-1-24 for Everett Woods, Kirtland Rd./PPN#21-A-022-0-00-033-0, Willoughby, OH 44094 for 34 townhome bldgs. w/128 units & club house on 16.2566 acres with all of the requested documents and conditions discussed this evening in regard to and agreed to by the developer to comply with the city codes and contingent upon the approval of the Conditional Use Permit (CUP) and Mr. Cook seconded.

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

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Motion Carried: APPROVED

Everett Woods
Kirtland Rd./PPN#21-A-022-0-00-033-0
(Rep.- Greg Sommers, Sommers Development Group,
Mike Marous, Driven 4 Group, Greg Soltis, RDL Architects)

**Conditional Use Permit for
townhomes**

Mr. Cook moved to untable Conditional Use Permit for Everett Woods, Kirtland Rd./PPN#21-A-022-0-00-033-0, Willoughby, OH 44094 and Mr. Capelle seconded.

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

Motion Carried: UNTABLED

Mr. Sommers of Sommers Development Group is representing the Conditional Use Permit (CUP) for 34 townhomes buildings.

Chairman Norris said the Conditional Use Permit will be to allow you to construct these townhomes and will have to follow all of the city codes and ordinances for townhome development. There were no questions from the board members.

Mr. Capelle moved to approve Conditional Use Permit for Everett Woods, Kirtland Rd./PPN#21-A-022-0-00-033-0, Willoughby, OH 44094 for a townhome development to follow all city codes and ordinances and Mr. Cook seconded.

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

Motion Carried: APPROVED

NEW BUSINESS

Willoughby House
37819 Euclid Ave.
(Rep.- Paul Neundorfer, Owner)

**Development Plan/EAS#7-2-24
for two outdoor brick patios &
landscape improvements**

Chairman Norris asked the applicant if he would like to proceed with four of the five members present and Mr. Neundorfer said yes.

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Mr. Neundorfer, Owner is representing the Development Plan/EAS#7-2-24 for two outdoor brick patios and landscape improvements.

Mr. Kary addressed the EAS.

- Stormwater: bioswales to handle stormwater. Need calculations to assure code is met to accommodate additional development. Stormwater drainage should not exceed conditions of natural land cover unless designed to accommodate the flow. Natural drainage & wetlands should be preserved. Stormwater basins along w/natural vegetative areas be required to address water management. Water absorptive paving and water detention design where practical (LID).
- Misc: Applicant agrees to address any water/flooding issues with Jordan Dr. immediately.
- Traffic- No issues cited.
- FD & PD- No concerns cited.
- Noise, water, air pollution- Addressed by SUP for hours of operation on patios and music.
- No impact on schools.
- Hazardous waste: No concerns
- Timeline: Start: Started already, Complete by: June, 2024

Chairman Norris addressed the Development Plan. Mr. Kary said they installed a wood fence and will plant evergreens in front of the fence for more of a barrier. Mr. Neundorfer said yes, but they need to allow the fence to weather a few more weeks and then stain it and then plant the privet hedges. Mr. Kary said there will never be porta potties outside from now on and Mr. Neundorfer said no unless there is an event and not in the location against the fence where they were last time. Mr. Kary said Mr. Neundorfer said the noise level will be no louder than 60 decibels and asked about lighting. Mr. Neundorfer said there will be fourteen path and landscape up lights that are shrouded and are copper for both terraces. For outside music there will also be two 4" speakers on the east side of the space pointed toward the ravine/park (facing southwest) and kept at 60 decibels. These speakers will have piped in music and are only on the larger terrace; the small terrace has no speakers. He said there will be no live music.

Mr. Kary asked what the function of the patios are. Mr. Neundorfer said they will serve dinner and alcoholic beverages on both patios. Mr. Cook asked if they could be rented for private parties and Mr. Neundorfer said eventually. He said there is only space for a total of forty people (28 on larger patio and 12 on smaller patio). He said they would utilize a service that uses a garlic spray to prohibit bugs for the outdoor patios and would not use bug zappers. Mr. Capelle asked if they would use outdoor heaters and Mr. Neundorfer said they have no intention to use them.

Chairman Norris asked what type of pedestrian control will there be to prevent patrons from wandering onto neighboring properties. Mr. Neundorfer said landscaping and staff. Chairman Norris asked if they would add signage to help alleviate this concern and Mr. Neundorfer said yes. Chairman Norris asked if Mr. Puskas of the Building Department has any concerns and he said he did not.

Chairman Norris asked them to work with the residents in regard to the fence issue and the tree between the two fences and Mr. Neundorfer said yes, they would be happy to help and the residents have their phone numbers. Mr. Capelle asked them to reiterate that the chain link fence is not on their property. Mr. Neundorfer said no, they had the property surveyed by Riverstone and found the pins on the property and they have the survey documents they

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can share with the homeowners. If the chain link fence is found to be on the Willoughby House's property they will remove it.

Mr. Cook moved to approve Development Plan/EAS#7-2-24 for Willoughby House, 37819 Euclid Ave., Willoughby, OH 44094 for two outdoor brick patios & landscape improvements but is contingent upon approval of the SUP and Mr. Capelle seconded.

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

Motion Carried: APPROVED

Willoughby House
37819 Euclid Ave.
(Rep.- Paul & Mike Neundorfer, Owners)

Similar Use Permit for outdoor dining

Mr. Neundorfer, Owner is representing the Similar Use Permit (SUP) for Willoughby House for outdoor dining.

Chairman Norris is concerned about the late night hours for the residents on Jordan Dr. being requested for dinner service/drink on the outdoor patios. There was a lengthy discussion in regard to this subject. He feels they should put a year expiration date on this SUP and see how the hours below will work and they can adjust in a year if needed. Mr. Neundorfer said there will be no speakers on the small oval patio. Chairman Norris asked if they will add some more plant material around the patio to create a buffer between that and Jordan Dr. and Mr. Neundorfer agreed. Mr. Kary said this SUP will expire in one year and they can reevaluate the hours or any other of the options they may want to change in one year as long as there are no issues with the neighbors.

Mr. Kary asked if they can have private events. Mr. Puskas said he was aware of the eclipse party but did not know about the porta potties. He said if they want to have a private event on the patio they would have to come to the Building Department and he would have to assess their request. Chairman Norris asked if there will be outdoor garbage cans and Mr. Neundorfer said no, everything will be bussed into the building. The outdoor patio furniture will be removed and stored during the winter months.

Chairman Norris said 1) Music: will be piped no louder than 60 decibels on large patio, small patio- no music allowed and no live music is permitted for either patio. 2) Patios will be open April/May through October each year. Hours for patios: **Small patio:** 7 days a week open at 8:00 a.m., service begins at 9:00 a.m., no seating after 8:00 p.m. and patio cleanup/patio must be closed by 10:00 p.m., add some more plant material around the small patio to create a buffer between it and Jordan Dr., **Large Patio:** 7 days a week open at 8:00 a.m., service begins at 9:00 a.m., no seating after 10:00 p.m. and patio cleanup/patio must be closed by 11:00 p.m., 3) Outdoor cleaning/power washing is not allowed from 10:00 p.m. until 6:00 a.m., 7 days a week, 4) No outdoor trash cans, 5) Staff to control pedestrian traffic and signage to be installed to keep patrons off private property, 6) Ambient/indirect wayfinding lighting allowed, 7) No porta potties allowed, all restrooms must be indoors, 8) This Similar Use Permit (SUP) expires one year from date of approval (expires April 11, 2025).


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Mr. Capelle moved to approve Similar Use Permit for Willoughby House, 37819 Euclid Ave., Willoughby, OH 44094 with the following conditions: 1) Music: will be piped no louder than 60 decibels on large patio, small patio- no music allowed and no live music is permitted for either patio. 2) Patios will be open April/May through October each year. Hours for patios: **Small patio:** 7 days a week open at 8:00 a.m., service begins at 9:00 a.m., no seating after 8:00 p.m. and patio cleanup/patio must be closed by 10:00 p.m., add some more plant material around the small patio to create a buffer between it and Jordan Dr., **Large Patio:** 7 days a week open at 8:00 a.m., service begins at 9:00 a.m., no seating after 10:00 p.m. and patio cleanup/patio must be closed by 11:00 p.m., 3) Outdoor cleaning/power washing is not allowed from 10:00 p.m. until 6:00 a.m., 7 days a week, 4) No outdoor trash cans, 5) Staff to control pedestrian traffic and signage to be installed to keep patrons off private property, 6) Ambient/indirect wayfinding lighting allowed, 7) No porta potties allowed, all restrooms must be indoors, 8) This Similar Use Permit (SUP) expires one year from date of approval (expires April 11, 2025) and Mr. Kary seconded.


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

Motion Carried: APPROVED

There being no further business the regular meeting closed at 9:12 p.m.



Steve Norris, Chairman



Vicki Grinstead, Secretary