

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
MAY 27, 2021  
REGULAR MEETING  
MINUTES**

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

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

**MINUTES**

**Public Hearing Meeting Minutes**

**May 13, 2021**

Mr. Kary moved to approve the Public Hearing Meeting Minutes for May 13, 2021 as submitted and Mr. Merhar seconded.

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

**Motion Carried:    APPROVED**

**Regular Meeting Minutes**

**May 13, 2021**

Mr. Kary moved to approve the Regular Meeting Minutes for May 13, 2021 as submitted and Mrs. McCue seconded.

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

**Motion Carried:    APPROVED**

**NEW BUSINESS**

**None**

**OLD BUSINESS**

Mr. Merhar moved to untable Old Business for Browning Place Apartments, 38032 Brown Ave., Willoughby, OH 44094 for a Conditional Use Permit and Mr. Wildermuth seconded.

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

**Motion Carried:     Untabled**

**Browning Place Apartments**

38032 Brown Ave.  
(Rep.- Dal Jaffray & Greg Patt, Browning Willoughby LLC)

**Conditional Use Permit**

Mr. Patt, 38005 Brown Ave., Willoughby, OH 44094 agent for Browning Willoughby LLC, for Browning Place Apartments, 38032 Brown Ave., Willoughby, OH 44094 is representing this application for a Conditional Use Permit.

Chairman Norris said at the last Planning Commission meeting they made a motion that the Planning Commission members would conduct their own research on the items that were listed for the application for a Conditional Use Permit.

Mr. Merhar said he wanted clarity as to the density issue regarding the Codified Ordinances and he was still uncertain. He said the best fit from his view was Residential Multi-Family Low Rise. Mr. Wildermuth said this would be a guide as to what they would apply this to. The zoning code does not require them to apply any kind of restrictions. The Conditional Use establishes what of criteria they want to use within the criteria of how a Conditional Use works and Mr. Lucas said this was correct. Mr. Lucas said the code does not specifically delineate, in terms of density, what code provision is applicable. He said Mr. Keller, Chief Zoning Inspector, provided a “guide” in terms of what seemed to be applicable to what was laid out in terms of the apartments. Dr. Norris read a portion of the memo, second paragraph, (dated May 20, 2021, Exhibit Bldg. 1) from Mr. Keller “While minimum requirements regarding individual dwelling unit floor area and parking spaces appear to be met, there may be other factors relating to multi-family development which merit consideration by the Planning Commission regarding suitability of the proposed use”. Dr. Norris said this refers to Item #3 from the previous meeting of things that needed to be researched.

Mrs. McCue asked if the open space falls into the density category. She said the site goes for 60% open space to one that would be roughly 30% and changes the character of the property. It is now not usable space for the public, it would be private open space. Dr. Norris said he would defer this question to the Law Director to offer guidance

**City of Willoughby  
Regular Meeting Minutes  
Planning Commission  
May 27, 2021**

as to whether it is the combination of parcels that made up the school and land area, or whether it is the building itself.

Mr. Lucas said the Development Plan/EAS submitted is what is before the Planning Commission in terms of the consideration of the Conditional Use Permit. He said there was a park area there previously. What is before the Commission is the proposed twenty-six units as apartments within the Browning building complex itself and the parcel the building sits on. Mr. Merhar and Mr. Kary said they would consider the building and adjacent parcels where future homes can be built and where the park was should also be considered. Chairman Norris says the zoning code never refers to eligible parcels it refers to eligible buildings. Mr. Wildermuth said Mr. Keller's letter (dated May 20, 2021, Exhibit Bldg. 1) refers to C.O. 1155.04(b)(6) The character of the site and associated amenities should be preserved, maintaining a balance between the building, green space, and parking. He said by removing the three parcels to construct future homes does this violate this section of the code. Mr. Kary agreed with Mr. Wildermuth and said the whole site is critical for the adaptive reuse.

Mr. Lucas asked Mr. Patt to clarify what is on the developers Development Plan. Mr. Patt said they are only dealing with the lot the building is on and is clearly what the code specifies. They are not talking about the other three lots. Chairman Norris said the question was if your development plan is inclusive of the three-home side lots as submitted. Mr. Patt deferred to Mr. Dal Jaffray. Mr. Jaffray said yes, it is. Mr. Lucas said that is the answer. There is more than one permanent parcel involved in this matter and Mr. Jaffray said yes there are. Mr. Lucas said what was submitted for the Conditional Use and the Development Plan was for all three of the parcels and Mr. Jaffray said no. Mr. Jaffray said previously they applied for and received a lot split. He said there are two lots at the south end of the property that are already split off (lots 4 and 5). He said this split reduced the area down to the Browning plot and the parking lot, which are parcels 1 and 2. Mr. Lucas said with reference to the application submitted then for the Conditional Use Permit and accompanying Development Plan deals only with Parcels 1 and 2 as designated by him. Mr. Jaffray said that is correct. Mr. Lucas said Parcels 3,4 and 5 are outside the scope of what is being considered by the Planning Commission both in terms of the Conditional Use Permit application and secondly and independently the Development Plan and Mr. Jaffray said yes. Parcel 1 consists of the building and Parcel 2 is the parking lot. Mr. Lucas wanted to clarify that this does not include the former park area. The associated amenities are only within the two sites involving the building and parking area. Chairman Norris asked if they are satisfied with Item #3 and there were no objections.

Chairman Norris said they will move onto item #4 What is considered when assigning architectural, community or cultural value.... Mr. Kary said he and Mr. Merhar struggle with the fact that the community or cultural value was in the playground area, which the Commission cannot consider. Mrs. McCue agreed the lands and open space is what made it special. Mr. Wildermuth agrees with the other Commission members. Mr. Wildermuth said the more information he has looked is it historically significant enough to end up in the landmark category and he does not believe so.

**City of Willoughby  
Regular Meeting Minutes  
Planning Commission  
May 27, 2021**

Mr. Kary said nothing in the appendix that was shared with the Planning Commission, from the development team, states that Browning is a historical landmark. He reviewed the application for the Historical Society, and it is for a historical heritage home marker and is not a historical landmark or national landmark building designation. He feels the Browning school building does not have historical designation at this time.

Chairman Norris wanted to go back to Item #4 and wondered if Browning being one of the only schools that has not yet been demolished gives it more historical value. He said they have evidence that it may or may not have architectural value which can be debated with no end and if it cannot be proven definitively then he cannot hold that up for the sole reason for keeping it. He agrees with the rest of the Commission and feels none of the criteria for Item #4 has been met.

Chairman Norris asked if the Commission found definitions of historic or landmark. Mr. Wildermuth said the dictionary does not define multiple words. He said historic means something that is old, but landmark is the key item, that it would be something significant and he said they are not finding there is any significance. Mr. Kary said the key word there is the ordinance says the building is designated a local or national landmark. Chairman Norris said or eligible for such. Mr. Kary said in the present, today, May 27, 2021, this building has not been listed as a candidate to be eligible for that criteria. Mr. Merhar said if you do an internet search of historic landmarks what comes up are national park historic landmarks etc. He said nothing mentions local designations and the simplest explanation would be it would be designated by the state or national park service as historical. There was more discussion on this issue. Mrs. McCue pointed out there are historical and directional landmarks. The Board felt there was no real definition for these combination of words.

Chairman Norris said this brings them back to Item #1 the Lake County Historical Society's criteria for a landmark designation. He quoted 1155.04 (2) Eligible Buildings: A. The building is designated as a local or national historic landmark or is eligible for such listing based on the criteria of each respective listing process; or the Planning Commission finds that the building has architectural, community or cultural value.. He said he is referring to Lake County Historical Society's historic marker. Mr. Kary went over the application, which says it is for a home and Item #1 does not relate to a school. Item #2 refers to architecture styles of a home such as Craftsman or Sears catalog home. Item #3 asked for a significant historical element such as a door that may have been salvaged from another significant building... He does not believe any of these are applicable and are for residential homes. Mr. Merhar agreed with Mr. Kary. Mr. Wildermuth said Lake County Historical Society does not deal with commercial buildings, so they do not really have a local entity to determine whether it is a historical landmark and would then defer to National. Mr. Lucas said the Lake County Historical Society designation was for a Heritage plaque and the underpinning for that, as indicated by Mr. Kary in the application, resulted in the historic plaque being provided for this property. He said for discussion is a historic landmark equivalent to a Heritage plaque. Chairman Norris said since the Commission is in receipt of a letter from the Lake County Historical Society and their architect approved their application for a Heritage plaque, in his opinion, the building is eligible for adaptive reuse.

**City of Willoughby  
Regular Meeting Minutes  
Planning Commission  
May 27, 2021**

Mr. Lucas said it at the Chairman's discretion as to whether he would like to call a vote as to eligibility or continue through the whole process and then render a vote. Chairman Norris said, without objections from any of the members, he would suggest moving forward with a vote for eligibility for adaptive reuse before engaging in the twelve-point Conditional Use process. There were no objections from any of the Commission members.

Chairman Norris called for a vote on whether or not parcels one and two that have been referred to at 38032 Brown Ave., Willoughby, OH 44094 are eligible for adaptive reuse.

Mr. Lucas said the motion to make an initial determination whether the eligibility criteria had been met for these two particular parcel sites with the understanding that if the eligibility requirements are met then they will proceed forward with the remaining criteria under this particular re-adaptive section as well as general criteria under C.O. 1109.05.

Mr. Merhar moved to approve the initial criteria for Browning's parcels 1 and 2 to meet the adaptive reuse historical criteria for the Browning Place Apartments, 38032 Brown Ave., Willoughby, OH 44094 and Mr. Kary seconded.

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

**Motion Carried:     DENIED**

**Browning Place Apartments**  
38032 Brown Ave.  
(Rep.- Dal Jaffray, Browning Willoughby LLC)

**Development Plan/EAS**

Mr. Wildermuth moved to permanently table the Browning Place Apartments, 38032 Brown Ave., Willoughby, OH 44094 for a Development Plan/EAS based on the aforementioned noncompliance for eligibility under Conditional Use Permit and Mr. Merhar seconded.

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

**Motion Carried:     PERMANENTLY TABLED**

**DISCUSSION**

**GD3 Ventures**  
George Davis  
Johnnycake Ridge Rd.

**Rezoning from R-100 to R-60/  
Development**

Mr. George Davis, of GD3 Ventures, 9124 Tyler Blvd., Mentor, OH 44060 is representing this discussion. He also has his architect Mr. Brett Rodstrom and Mr. Larry Goodman from Andrews Osborne School here this evening. He said he is here to ask for a rezone from an R-100 to an R-60 for a large project. He was approached by Andrews School to purchase property between their school and St. John's Bluff. The area below the hill adjacent to the Chagrin River will become permanently protected and would be returned to a swamp forest. He said the reason he is asking for the rezone from R-100 to R-60 is due to the expense it will take to rebuild the wetlands below. He met with the resident of St. John's Bluff a little over a year ago and is adding a large buffer between his community and theirs. He is committed to fixing their detention which has not been working properly. The maintenance of this would be part of this new subdivision. He said he will stipulate that the lots will be 70' wide for this development. He is a high-quality custom builder and will be building all of these homes. The home pricing will be in the high \$400,000 range.

Mr. Rodstrom gave some background on a walking trail they have been working on and gave some additional background on some other items they are working on regarding conservation etc. He said they would create twenty-two acres of wetlands but would lose only nine.

Mr. Kary said there will 102 homes and will these be similar to Melrose Place and Mr. Davis said yes. Mr. Davis said the homes will be the same size but the gap between the homes will be smaller. Mr. Kary said they do not have an R-70 zoning and why does he not request an R-80 zoning. Mr. Davis said there is a large expense involved with moving wetlands and he would loose seventeen lots. He said he would be good with a plan specific rezone, where if they approve it, the plan will show seventy-foot-wide lots. Mr. Kary and Mr. Merhar agree they do not prefer zoning from R-100 to R-60 and the homes are too close together. Mr. Merhar said that is a lot of density and homes. He said with the size of the homes you can practically see in your neighbor's window. Mr. Kary said there are approximately sixty homes in St. John's Bluff and this development is almost doubling that number. Mr. Kary is also concerned about the development having one ingress/egress onto Rt. 84 in terms of safety. He also understands they are talking about the global picture of all the wetlands and understands the benefits but wants to keep this separate from the development plan.

Chairman Norris asked how many homes Mr. Davis can construct could if he utilized just R-60 and Mr. Davis replied 124. Chairman Norris said at R-60 there would be 124 homes, 70' wide lots there would be 102 homes, and R-80 would take it down to 85 homes. Mr. Kary would like to see 80 homes or less. They talked the developer on Rt. 91 down from 71 to 47 homes. Mr. Davis said that R-80 is not economically possible.

Mr. Davis said unlike the development on Rt. 91 they are not abutting other communities and are leaving a 200' buffer with St. John's Bluff and the rest of the lots about the Andrews Osborne property and they also did not have the expense of mitigating wetlands. He said regarding the ingress/egress the property he is purchasing only has 200' of frontage on Rt. 84 and he would have to rework his plan to try to incorporate another ingress/egress. He asked if he did a deed restriction would this help the Commission accept 70' wide lots.

**City of Willoughby  
Regular Meeting Minutes  
Planning Commission  
May 27, 2021**

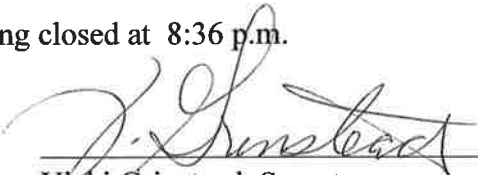
Mr. Goodman of Andrews Osborne School said they are in favor of this development to help the long-term sustainability of the school, capital maintenance etc. If they can accomplish developing the land without mitigating the wetlands, he would agree with Mr. Kary on considering the two situations separately, but they cannot. As a community resource they would like the land along the Chagrin River accessible to students throughout Lake County and gave examples of fieldtrips etc.

Chairman Norris asked Mr. Davis to consider what would be the lowest number of homes he could construct, and they could discuss it further.

Mr. Wildermuth said the Board has approved R-60 lots before but the lots are actually larger than 60' and they could consider this as a condition that is proposed by the applicant. Mr. Lucas said this is correct, but they would need a deed restriction on the property limited to the R-70 concept and Mr. Davis agreed.

There being no further business the regular meeting closed at 8:36 p.m.

  
Steve Norris, Chairman

  
Vicki Grinstead, Secretary