

MINUTES REGULAR COUNCIL MEETING

7:00 p.m.

May 9, 2023

Pursuant to Codified Ordinance Chapter 107 and ORC Section 121.22, notice of the following meeting was given on May 5, 2023.

ROLL CALL

Council Members Present: Carr, Garry, Kary, Merhar, Sievers, Tomaselli and Anderson

Others Present: Mayor Fiala, Law Director Lucas, Service Director Palmisano, City Engineer Lannon, Fire Chief Ungar, Police Chief Schultz, Chief Building & Zoning Inspector Puskas, Finance Director Hoffman, Clerk Novak

The meeting was led in Prayer and Pledge of Allegiance by Councilwoman Sievers.

Approval of Minutes

Motion made and seconded to approve the Regular Council Meeting Minutes of April 18, 2023.

Roll Call 7 yes
 0 no

Motion carried 7 to 0

STANDING AND REGULAR COMMITTEE REPORTS

Committee of Full, Mr. Carr – No report.

Economic Development Committee, Mr. Anderson – No report.

Environmental Planning Committee, Mr. Kary – Mr. Kary reported three EAS's were reviewed tonight. The committee is recommending legislation approval for EAS #2-2-23 and EAS #5-3-23 and legislation for EAS #3-2-23 be placed on the table.

Finance and Audit Committee, Mr. Tomaselli – Mr. Tomaselli requested a committee meeting on May 23rd to discuss the capital budget.

Parks & Recreation Committee, Ms. Sievers – No report.

Personnel Committee, Mr. Anderson – No report.

Safety Committee, Mr. Tomaselli – No report. Mr. Tomaselli thanked everyone who worked for the passage of Issue 2. Obviously, the City is very happy that it passed and he is happy for everyone's support.

Service Committee, Dan Anderson – No report.

WPCC Committee, Mr. Garry – No report.

Planning Commission, Mr. Kary – No report.

CORRESPONDENCE: No correspondence.

PUBLIC PORTION:

Peter Joyce, 39505 Tudor Drive, Willoughby, Ohio – Mr. Joyce stated he wanted to make a few remarks regarding the proposal of townhomes (EAS #3-2-23 Kirtland Tudor Estates). He stated the proposed ingress/egress is a singular driveway that currently eight vehicles use; with the new proposal that would increase to approximately 16 vehicles (2 cars per residence) which he feels would create safety issues. He noted that trash bins and recycle bins are put out onto that single driveway; 16 more trash bins would create hazardous conditions for safety services and congestion that could put children in harms way. Mr. Joyce stated the proposal would mean the removal of a good portion of the sound and sight berm that is currently in place; he believes this berm does a remarkable job at muffling the noise from Rt. 306 and I-90. He stated the proposed height of the new townhomes is 37' and he understands that the restriction is 35'; he would like to see what the new architectural drawings look like.

Joseph Rehak, 39549 Tudor Drive, Willoughby, Ohio – Mr. Rehak agreed with the comments made by Mr. Joyce. He stated there are residents who are opposed to the current proposed design. He stated he would like to see the development completed but with the original design of two story, single family homes with a driveway.

Katharine Altadonna-Morley, 39479 Tudor Drive, Willoughby, Ohio – Ms. Altodonna-Morley stated she rented a townhome at Tudor Estates prior to purchasing about 18 months ago. She voiced concerns about adding 16 more vehicles to one single driveway; currently eight cars must take turns using the driveway because two cars can't use the driveway at the same time. She believes adding more vehicles would create a safety concern for vehicles and kids. She believes the addition of townhomes will discourage the building of single family homes in the development.

Mary Sanders, 4326 Tudor Drive, Willoughby, Ohio – Ms. Sanders stated she does not share the driveway previously mentioned, but she concurs with the previous comments about it. Ms. Sanders stated noise pollution is real and every place you go, abatement is taking place. She indicated that the topsoil (at Kirtland Tudor Estates) was scraped off the entire development in order to build the hills that serve as a barrier. Erosion is taking place and it is flowing into the unsold lots that have existing storm sewers that are not properly capped or graveled. She stated there is an invasive species on the property (black locust tree) that she believes is illegal in the City and they should be abated. She stated she is concerned about erosion, sewers, invasive species and noise.

Lynn Gattozzi, from the law firm of Squire Patton Boggs – Ms. Gattozzi stated she was attending the meeting tonight representing Ms. Morley, Mr. and Mrs. Joyce and Mr. Rehak. She stated the aforementioned individuals made points tonight that are outlined in a letter dated April 27th that was sent to the City of Willoughby Planning Commission (see attached letter). Mr. Carr stated the letter has been received by Council and will be part of the record.

Motion made and seconded that all ordinances and resolutions be read by caption only and that as to legislation not containing an emergency clause, the rules requiring that ordinances and resolutions be read on three separate days be waived.

Roll Call 7 yes
0 no

Motion carried 7 to 0

NEW BUSINESS:

RESOLUTION NO. 2023-56

A resolution approving EAS #2-2-23 for construction of an addition to the existing building and a loading dock located at 38264 Willoughby Parkway (US Foils).

Motion made and seconded to adopt Resolution No. 2023-56.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-57

A resolution approving EAS #3-2-23 for the construction of eight (8) townhomes on single family fee simple envelope lots located on Kirtland Road (Kirtland Tudor Townhomes at Kirtland Tudor Estates).

Motion made and seconded to table Resolution No. 2023-57.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-58

A resolution approving EAS #5-3-23 for construction of an industrial building and parking lot located on the south side of Kennedy Parkway (Lost Nation Parkway I, LLC).

Motion made and seconded to adopt Resolution No. 2023-58.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-59 – Amended 5/9/23

A resolution authorizing an expenditure in the amount of \$55,322 for the purchase of one (1) 2022 Ram Promaster 2500 Transit Van from Classic Auto Group for use by the Willoughby-Eastlake Water Pollution Control Center, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-59 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made by Councilman Merhar to amend Resolution No. 2023-59, striking out "Capital Fund" in the body of the legislation and replacing with "Sewer Fund", seconded by Councilwoman Sievers.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-59 as amended.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-60

A resolution authorizing an expenditure of \$51,575 for the purchase of one (1) 2023 Ford F250 Regular Cab Pick Up Truck from Classic Auto Group, for use by the Sewer Department, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-60 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-60.

Roll Call 7 yes
0 no

Motion carried 7 to 0

RESOLUTION NO. 2023-61

A resolution authorizing the City Engineer to prepare plans and specifications and to advertise for bids for the 2023 Highway Pavement Lane Marking Project with a one (1) year renewal option, and declaring an emergency.

Motion made and seconded that the rules of Council requiring three separate readings be suspended and that Resolution No. 2023-61 be declared an emergency measure.

Roll Call 7 yes
0 no

Motion carried 7 to 0

Motion made and seconded to adopt Resolution No. 2023-61.

Roll Call 7 yes
0 no

Motion carried 7 to 0

MAYOR'S REPORT – Mayor Fiala thanked Council for their support and assistance with the passage of Issue 2. He also thanked the residents for their support. He stated the much anticipated Dukes and Boots grand opening is this Friday at 3:30 p.m. Mr. Kary asked Mayor Fiala if he could prod the Planning Commission to take action with regards to the studies or

implementation of bollards in the downtown area. Mayor Fiala stated some research was done but there has been no follow up.

DIRECTOR'S REPORTS

Law Director Lucas – No report.

Service Director Palmisano – Mr. Palmisano stated the Rt. 306 bridge work is almost complete. There have been several complaints about the pavement in the area. The Ohio Department of Transportation (ODOT) has notified the City that the pavement will be milled tomorrow and paving to take place on Thursday. Ronyak Paving will be doing the paving on Rt. 306 as well as the Kirtland Road paving project. Kirtland Road paving should start on Friday or Monday; it should be done quickly.

Mr. Carr asked how the service has been from the new trapper. Mr. Palmisano stated the only complaint he has received was the fact that the limit is only two animals but not with the service itself. Mr. Anderson stated he received a call from a resident stating that a "No Outlet" sign has been missing on St. Clair and wanted to know when it would be installed. Mr. Palmisano stated it would be taken care of this week. Regarding the paving on Kirtland Road, Mr. Tomaselli asked if the work included any berm enhancement. Mr. Palmisano stated that if the contractor doesn't correct the berming, he will have a crew come in and take care of it. He noted that part of the work includes guardrail replacement.

City Engineer Lannon – No report.

Fire Chief Ungar – Chief Ungar stated he appreciated everyone's support and hard work to help promote and get Issue 2 passed. Mr. Anderson asked about the timeline for a new ladder truck. Chief Ungar stated most manufacturers are at least two years from the signing of a contract; some manufacturers could be 36 to 40 months due to the availability of raw materials. Mayor Fiala stated the City will issue a letter of intent in the next few days for the purchase of a ladder truck; there will be a discussion on how the City will finance the purchase.

Police Chief Schultz – Chief Schultz thanked Mayor Fiala and Tom Thielman for their vision for the new police station and City council for their dedication and commitment to Issue 2. He thanked Jerry Ranally, Wade Mitchell, Seamus Coyne and McPat Coyne for their commitment to the project and to the businesses who supported the effort. He also thanked the residents for their faith and trust in the safety forces of the City.

Building Inspector Puskas – No report.

Parks & Recreation Director Keller – Absent.

Finance Director Hoffman – No report.

COUNCILMEMEN REPORTS

Ms. Sievers – Ms. Sievers thanked all the residents for supporting Issue 2.

Mr. Kary – No report.

Mr. Tomaselli – Mr. Tomaselli thanked the residents of Kirtland Tudor Estates for coming out and voicing their concerns. He recommended to Council to look at Kirtland Tudor Estates in the next two weeks; it will give more insight into the proposed townhomes.

Mr. Merhar – No report.

Mr. Garry – No report.

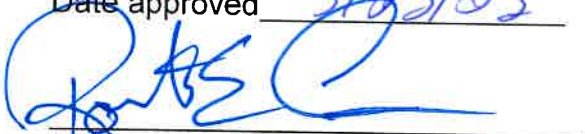
Mr. Anderson – Mr. Anderson asked what the protocol is when he receives a high grass complaint from a resident. Mr. Palmisano stated the residents should call the Service Department and if the grass is 8" or higher, a letter will be sent out.

Mr. Carr – No report.

The Regular Council Meeting adjourned at 7:37 p.m.

Date approved

5/23/23



Robert E. Carr, President



Clerk of Council



Robert A. Fiala, Mayor

April 27, 2023

VIA E-MAIL TO VGRINSTEAD@WILLOUGHYOHIO.COM

City of Willoughby
Planning Commission
Attn: Ms. Vicki Grinstead, Secretary

**Re: KTE Townhomes Conditional Use Permit for townhomes - Kirtland Tudor
Dr./PPN#21-A-022-0-00-029-0 / Kirtland Tudor Estates Development Plan/EAS#3-2-23
- Tudor Dr./PPN#21-A-022-0-00-029-0 Minor Subdivision/8-townhomes**

Ladies and Gentlemen:

On behalf of Ms. Katherine Altadonna Morley (39479 Tudor Drive), Mr. and Mrs. Peter and Mary Joyce, (39505 Tudor Drive) and Mr. Anthony Rehak (39549), who own properties in the adjacent to or affected by the proposed eight townhome development plan, I am writing to request that the following and attached photos be included in the recorded, to supplement the comments and objections raised at the April 13, 2023 public hearing.

1. Ingress and Egress. The owners have serious concerns and objections to the proposal to expand the use of the existing driveway that is adjacent to the proposed townhomes to provide the sole means of ingress, egress and connection to Tudor Drive.
 - a. The driveway provides the sole ingress and egress to the residences of Ms. Altadonna Morley and Mr. and Mrs. Joyce, and the two other residences that are included in the attached condominium residences at 39487 and 39489 Tudor Drive. The proposed threefold increase in the traffic and use of the driveway (from 8 to potentially 24 vehicles) would create significant safety and congestion issues. Moreover, the photos illustrate that the existing driveway cannot safely and adequately accommodate 16 additional trash and recycling containers on trash day.
 - b. The proposed development plan does not show the extension of Tudor Drive along the frontage of the proposed 8 new townhome envelope lots, or any connection of the townhouses to the road, other than over the existing driveway on the adjacent condominium property. Permitting the proposed development to rely on a single driveway that is already maximally utilized would create serious harm to the neighboring properties.

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- c. The proposed development should have multiple driveways onto Tudor Drive to provide ingress and egress that is comparable to that of overall development, as well as sufficient driveway area for turning and parking of vehicles, and placement of trash/recycling containers for pickup without impeding ingress and egress of the existing owners.
- d. What financial assurances will the City require to make sure that the developer will complete the necessary infrastructure (roads, drives, utilities)?
- e. Has the applicant provided for the formation of a homeowners' association for the proposed development, for approval by the Planning Commission as required in Section 1135.05(g) of the City Codified Ordinances?

2. Landscape Berm/Buffer. The berm along the rear of the properties (which is shown in the attached photos) was developed to provide a continuous landscape view and noise buffer from the highway, Route 306, various parking lots and the Red Roof Inn, and the neighboring transmission line right of way. Disturbance or removal/reduction of this berm would adversely affect not only the adjoining property but the entire Kirtland Tudor Estates development, and could create drainage issues for the adjoining properties. Any development permitted on the proposed townhome parcels should require that this berm remain in place, with landscaping consistent with the rest of the development.

3. Proposed Building Height. The proposed 37' height of the 3 ½ story townhouses exceeds the 35' height limit in the zoning code, and would loom over the two-story condominium residences. The proposed townhomes are extremely out of character with the rest of the development (which consists of 2-story Tudor-style homes) and would impose on the privacy of the neighboring properties, and affect their value.

4. Submittal as Minor Subdivision. The proposed subdivision does not meet the requirements for the classification of a subdivision as a "minor subdivision" under Section 1109.06 of the City's Codified Ordinances, namely: "A proposed division of a parcel of land which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any street or the installation of any underground public utility, and does not involve more than five lots." The proposed subdivision purports to create 9 lots (8 "envelope" lots and the remainder property), rather than the 5-lot maximum in the zoning ordinance, and none of the property adjoins an existing public street (Tudor Drive is a private street, and is not fully constructed across the entire frontage of the proposed new lots). The complexity and scope of the proposed development and its proposed interconnection with the existing condominium development more than justifies the additional detail and review process for a major subdivision.

Respectfully submitted,


Lynn M. Gattorzi

Attachments

ATTACHMENTS:

1. Existing driveway



2. Trash/recycling container placement for pickup on trash collection day



3. Gravel – unpaved “stub” of Tudor Drive.



4. Berm.



Aerial showing berm in relation to I-90, transmission lines, SR306.



5. Existing buildings – height, Tudor style and features, driveways



Squire Patton Boggs (US) LLP
VIA E-MAIL

City of Willoughby Planning Commission
Attn: Ms. Vicki Grinstead, Secretary
April 27, 2023

