

**PLANNING COMMISSION
CITY OF WILLOUGHBY
JUNE 22, 2023
REGULAR MEETING
MINUTES**

PRESENT: J. Cook; Ben Capelle; K. Kary; M. Wildermuth; S. Norris, Chairman
ABSENT: Tim Lannon, City Engineer
OTHERS: Stephanie Landgraf, Asst. Law Director; Larry Puskas, Chief Bldg. & Zoning Official;
Vicki Grinstead, Secretary

Chairman Norris called the regular in-person meeting to order at 7:02 p.m.

Chairman Norris stated the item under Public Hearing on the agenda for Townhomes for a Conditional Use Permit will not be heard this evening but will be moved to the next agenda.

MINUTES

Public Hearing Meeting Minutes **May 25, 2023**

Mr. Cook moved to approve the Planning Commission Public Hearing Meeting Minutes for May 25, 2023 as submitted and Mr. Capelle seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes **May 25, 2023**

Mr. Wildermuth moved to approve the Planning Commission Regular Meeting Minutes for May 25, 2023 as submitted and Mr. Capelle seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

This item remains tabled.

Townhomes
Shankland Rd.
(Rep.- Greg Sommers, Sommers Dev. Group LLC)

**Development Plan/EAS#17-10-22(b)
PPN#27-A-015-0-00-023-0 & 024-0
to construct 16 townhomes on 2.49 acres**

NEW BUSINESS

Townhomes

Shankland/PPN#27A0150000230 & 240
(Rep.-Greg Sommers, Sommers Development Group)

**Conditional Use Permit/
for townhomes**

Mr. Kary moved to table the Conditional Use Permit (CUP) for townhomes, Shankland/PPN#27A0150000230 & 240, Willoughby, OH 44094 per the applicant's request and Mr. Wildermuth seconded.

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

Motion Carried: TABLED

Andrews Osborne Academy

38588 Mentor Ave.
(Rep.- Rick Thompson, Polaris Engineering & Surveying)

**Lot split of multi parcels and
consolidation**

Mr. Thompson of Polaris Engineering & Surveying is representing the application for a lot split and consolidation of multi parcels per the application submitted for Andrews Osborne Academy.

Mr. Thompson, 8648 Harvest Home Dr., Mentor, OH 44060 is representing the lot split of multi parcels and a consolidation for Andrews Osborne Academy.

Mr. Thompson said they are doing a lot split of the Andrews Osborne land holdings in Willoughby. Mentor Avenue and Kirtland Rd. are on the north and Johnnycake Ridge Road is on the east and south. They are splitting off 105 acres (Parcel B on survey) and will have a conservation easement over the entire 105 acres. The purpose is to preserve that area that is adjacent to the Chagrin River. Parcel C., along Glenn Ave., south of Mentor Ave. on the survey will go along with Parcel B. This piece was left over when the bridge was constructed on Mentor Ave.

The rest of the project is consolidating the remaining residual lands of Andrews Osborne into Parcel A which is 103.266 acres.

Chairman Norris said the administration, per the Staff Report, has no objections to this application. He recused himself from the vote because of his association with Andrews Osborne Academy.

Mr. Wildermuth moved to approve a lot split and consolidation of multiple parcels per the plat as submitted for Andrews Osborne Academy, 38588 Mentor Ave., Willoughby, OH 44094 and Mr. Cook seconded.

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

Motion Carried: APPROVED

***Kirtland Tudor Estates**
Tudor Dr./PPN#21-A-022-0-00-029-0
(Rep.- Marc Strauss, KTE Townhomes LLC)

**Modification to amend prior EAS#3-2-23
recommendation from (4) duplexes (8
units) to (2) duplexes (4 units) for
Sublots 33-36**

Mr. Strauss of KTE Townhomes LLC, 39489 Tudor Dr., Willoughby, OH 44094 is representing the application for the modification to amend prior EAS#3-2-23 recommendation from (4) duplexes (8 units) to (2) duplexes (4 units) for Sublots 33-36.

Chairman Norris noted for the record the commission members did receive a letter from Lynn Gattozzi of Squire Patton Boggs LLP (in record dated June 21, 2023).

Mr. Strauss submitted hard copies of the plan already submitted to the board (in record 6-22-23). He said he went before the EAS committee and City Council and it was decided he would return to Planning Commission for the purposes of reducing the plan to the first phase. He said there were concerns about traffic and trash cans. He said they are matching the number of units to the right that would produce the same amount of cars for purpose of ingress/egress. He said the driveway was originally intended to be used for more than just those four units and is 21' wide and the apron is 65'. He went on to say a normal driveway for a single family residence is approximately 16-18' and is 12-14' wide. There will be a sidewalk between the two buildings with an apron at the end of the sidewalk where it meets Tudor Dr. and this is where the trash receptables will be placed for these four units only. These units will be prohibited from placing any trash receptables on the current driveway.

Chairman Norris asked if any of the commission members had any questions regarding the reduction of the number of units. Mr. Capelle asked if the rest of the EAS stipulations remain in place and Chairman Norris said yes.

Mr. Cook said traffic and trash receptacles were the only issues. Mr. Strauss said there were a number of issues, one being the fire department's concern because currently the road is not extended far enough to construct all eight units. The road is sufficient right now per his discussion with the Fire Chief and the Captain that the ladder truck has enough room in case of an emergency on the site. He said his contract with the owner states the road must be extended before construction if he constructs all eight units. He does still have the option for the other four lots. He said they did not want to approve it because there was not enough roadway to approve all eight lots at this particular time. He said if the project is successful and they do the other two duplexes, they will loop the road around back to Tudor Dr. so there will not be as much vehicular traffic. He said the reason for the stub turn around is for temporary parking etc.

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Mr. Capelle asked if Mr. Strauss has to come back to the Planning Commission for the other two buildings (four units). Mr. Strauss said yes and he will also have to go back to the City Council's EAS Committee for this EAS modification recommendation.

Mr. Kary said he spoke with WFD Chief Ungar today and what Mr. Strauss stated in regard to the road is correct. Where the road extends beyond the last townhome in this EAS is for the ladder trucks operation. Mr. Kary said his original concern was the fire truck trying to back out of that location. He said according to the Fire Department the road has to be a certain length before it is required to have a cul-de-sac or turn around and it does not meet that length requirement. He said everything is acceptable as far as the Fire Department is concerned.

Mr. Kary asked why Mr. Strauss did not include the building height in his revised EAS. He said in the previous meeting they did discuss the building heights and number of stories. Mr. Strauss said it was not left blank and he was advised by representatives to put unknown. He looked at past EAS's and they put unknown. He said the original submittal was 37 1/2'. He reduced it from 3 1/2 stories to 3 stories. Mr. Kary wanted to make sure this was ok. Ms. Landgraf, Esq., said it was deemed administratively appropriate to be here this evening but City Council has the final say.

Mr. Strauss said they have some plans from 2005 that show a 2-story Tudor style townhome that they may also consider. He said they are considering 2 or 3-story townhomes but are not looking at anything over 35'. He has copies of EAS's from 2005 and 2012 where the height is stated as unknown as well.

Mr. Capelle moved to approve the modification to amend the prior EAS#3-2-23 recommendation from (4) duplexes (8 units) to (2) duplexes (4 units) for Sublots 33-36 for Kirtland Tudor Estates, Tudor Dr./PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Cook seconded.

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

Motion Carried: APPROVED

Discussion

New Building
St. Clair/Erie
(Rep.- Dusty Keeney, Polaris Engineering & Surveying)
& John Levkulich, Owner)

**Rezoning PPN: 27-B-043-0-00-018-0 &
27-B-043-0-00-022-0 from R-100 to L-I
offices/contractor equip. storage, 5000 s.f.**

Mr. Dustin Keeney of Polaris Engineering & Surveying, 34600 Chardon Rd., Willoughby Hills, OH 44094 and Mr. Levkulich, Business Owner, 7855 Russellhurst Dr., Kirtland, OH 44094 are representing this discussion for a rezone.

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Mr. Keeney said this is a unique parcel on the corner of St. Clair and Erie and is zoned R-100. Mr. Levkulich would like to build a small shop with a small office and some storage for his plumbing business. He said the parcel is unique because it is zoned R-100 but to the north is the road right-of-way and the freeway and to the west (across the street) is property owned by the Metroparks, which is Parsons Gardens, and to the south are high tension power lines. The property to the east is CEI's substation. This parcel is residentially zoned but surrounded by some unique characteristics. He said they understand they would have to rezone the property and go through the various boards and commissions. Mr. Levkulich would be sensitive to the neighboring homes and try to shield the business by placing it further back on the property and do whatever is necessary to landscape the site and/or add fencing.

Mr. Levkulich said he has a place now but would like to own his own building. He said they are rarely at the site. He was considering constructing a road off of Erie to come out onto St. Clair for the fire department. Mr. Puskas said this would be the appropriate zoning for this type of business and that this parcel has been vacant for some time. Mr. Wildermuth said the substation and power line parcels are in the R-100 district, and Parsons Gardens is zoned residential. He also said there is a conservation overlay on the parcel they are discussing this evening.

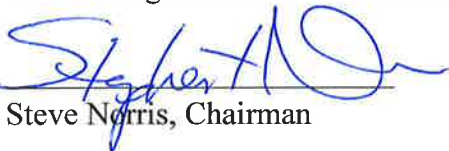
Chairman Norris asked what types of items would they be storing. Mr. Levkulich said a couple of dump trucks and back hoes and they do keep some stuff inside such as the jetter truck and forms. He tries to keep everything indoors because of theft. There will be no deliveries from semi-trucks. He said he is only at the shop thirty minutes a day in the morning. The employees come in and leave for a job. Most of his equipment/items are left on the job site as much as possible. He does not carry aggregate; he picks it up from his supplier.

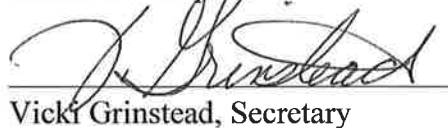
Chairman Norris asked if he only accessed this site from St. Clair would that be acceptable and Mr. Levkulich said yes. Chairman Norris said this would limit the effect for the surrounding homes. Mr. Levkulich said he only added that road for the fire department.

Chairman Norris asked Mayor Fiala, who was in the audience, when the conservation overlay was placed on this property and he said approximately fifteen years ago and was done throughout the city.

The board has no objections to the possibility of this rezone.

There being no further business the regular meeting closed at 7:37 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary