

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
SEPTEMBER 28, 2023  
REGULAR MEETING  
MINUTES**

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

**Chairman Norris called the regular in-person meeting to order at 7:30 p.m.**

**MINUTES**

**Public Hearing Meeting Minutes**

**August 24, 2023**

Mr. Capelle moved to approve the Planning Commission Public Hearing Meeting Minutes for August 24, 2023 as submitted and Mr. Cook seconded.

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

**Motion Carried: APPROVED**

**Regular Meeting Minutes**

**August 24, 2023**

Mr. Kary moved to approve the Planning Commission Regular Meeting Minutes for August 24, 2023 as submitted and Mr. Cook seconded.

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

**Motion Carried: APPROVED**

**OLD BUSINESS**

**None**

**NEW BUSINESS**

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

**Development Plan/EAS#8-6-23  
& Major Subdivision, Preliminary Plat  
for 16 townhomes**

Mr. Sommers of Sommers Development Group is representing the Development Plan/EAS & Major Subdivision Preliminary Plat for 16 townhomes.

Chairman Norris let the applicant know that there are only four of the five member present and asked if they wished to proceed without a full board and Mr. Sommers said yes.

Mr. Kary addressed the EAS.

- Stormwater: City Engineer- Existing utilities have the capacity to handle the demands of the proposed development. Recommends high wall plumbing (will have basements-EAS was incorrect) Drainage because this a redevelopment project. There is a reduction in impervious surface. Follow C.O. 1352.09(e) as required. It takes away any grandfathered clause.
- FD & PD- WFD noted "T" drive must be marked fire lane and no parking. Can increase demands for services. WPD notes likely increase in traffic but should have negative impact since other businesses have operated there in the past. Keep ht. & location of south landscaping & signage low for visibility purposes.
- Noise, water, air pollution- no concerns
- No or minimal impact on schools
- Hazardous waste: no concerns
- Noise, water, air pollution: no concerns
- Lake County: Ask developer to submit two full sets of plans to their office for review. (emailed to Mr. Sommers 7-31-23)
- WPCC: Has available capacity. City Engineer consult on downstream sewer capacity.
- Timeline: Begin winter of 2023/Completion Fall 2024

Chairman Norris noted an error on the EAS and asked Mr. Sommers to clarify. It says no basements and there will be basements in all the units per Mr. Sommers. They will also elect to do high wall plumbing. Chairman Norris said he left blank #7 on Attachment A, the type of construction, and assumed these will be wood, Type 5 and Mr. Sommers said yes.

Chairman Norris addressed the Development Plan. Mr. Sommers apologized for the expansive time this project has taken but they did not have enough acreage and had to work with the school board to obtain another piece of property. They also looked at several different plan options and wanted to bring forth the best plan possible. Mr. Sommers said they are still under the maximum density allowed. They have 2.53 acres but are maintaining 1.5 acres of open space.

Mr. Sommers said sidewalks will be required and they were not aware of this but are willing to install them as a condition of approval. There was a comment about a fence that showed it was shown off the property line but do not plan to put a fence on someone else's property. He believes it was just a drafting error. They elected to do privacy fencing along the northern and western sides of the property because they abut a commercial district. On

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their landscape plan they had more landscaping on the north and western portions of the property but felt a fence would add more privacy for the residents. These will be higher end for sale units, not rentals. They showed the board a mock up of how the infill site will work along this corridor.

Mr. Kary said he has three different acreage numbers; one on the application (2.49), one from the city (2.317) and one he just spoke in the meeting (2.53) and asked him to clarify which of these is correct. Mr. Sommers said the 2.53 acres is based on the survey the engineer completed.

Mr. Rick Sommers said if you look at the drawings the difference in the acreage is the right-of-way. Mr. Lannon said for density calculations the right-of-way is not included. Mr. Kary asked what it is if you do not include the right-of-way. Chairman Norris said the right-of-way is .22 acres, so if you subtract that from the 2.53 it is the 2.31 acreage figure. He said the 1.5 acres of open space is incorrect and it is actually 1.418 acres to be accurate.

Mr. Capelle asked them to explain what high end entails. Mr. Rick Sommers said the minimum sale price will be \$400,000 plus any additional options they client chooses. He said as far as the exterior finishes, the front of every unit will have 25% stone or brick and possibly vertical style siding. They want it to have street appeal and not be vinyl siding on all four sides. The buildings will have shutters, Fypons which go over the garage or in a peak. The drawings submitted is typical of what they propose because they are not the builders. He said Probuilt is one of the builders interested and they have good appeal.

Chairman Norris said the information he gave the board does not match what was submitted. Mr. Greg Sommers said they would commit to 25% of stone or brick on the front. Mr. Kary has concerns that they do not have the accurate rendering of what will be built. Mr. Rick Sommers said they are doing metal canopy roofs above the garages and front porches. Mr. Capelle asked Mr. Sommers if the drawings submitted are substantially different from what will be built and Mr. Rick Sommers said no, they will be at a minimum two-story units. He said this may change with the people that purchase because they have the ability to change the front of the unit so they may elect to put stone all the way to the peak. They also use architectural shingles on the roof. Mr. Kary asked them to not add just one window on the side elevations. Mr. Rick Sommers said he proposes a minimum of 25% of stone or brick and the balance of vertical siding on the front elevation. Chairman Norris said the preliminary plat is the only process where they get to discuss the elevations. The board can state that there will be a minimum of 25% stone and state conditions for approval. Chairman Norris said the side and rear elevations are just vinyl. Mr. Rick Sommers agreed that the two end buildings, facing east, the side elevations on Shankland will also have a minimum of 25% brick or stone and a minimum of two windows (Greg Sommers). Chairman Norris said for clarification purposes these are fee simple for sale townhomes.

Chairman Norris said is there to be a fence along the western and northern edge of this development and Mr. Rick Sommers said it is proposed. They felt it was a much better choice than evergreens or deciduous trees. To have any kind of an effective screen you would need many evergreens and it could become a maintenance issue. It was suggested the developer check with the Building Department as to what type of fence is allowed in that area. Mr. Greg Sommers said they will be installing that fence and will make sure it is in compliance.

Mr. Kary said he would like to see more dense landscaping on the southern end of the property; however, the landscaping that is on Shankland shall not obstruct the view of traffic or pedestrians in any way. It can be as far off the right-of-way as possible but still be dense. Mr. Greg Sommers said they will resubmit the landscaping plan to reflect these changes. Mr. Rick Sommers said they will use low profile landscaping a minimum of 10' off the

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sidewalk on Shankland. Chairman Norris said it looks like the proposed sign is on the sidewalk in the plan. Mr. Rick Sommers said they will keep it 10' off the sidewalk as well.

Chairman Norris said within the retention there are five trees proposed and asked Mr. Lannon if they are allowed. Mr. Lannon said this is a dry pond and they are above the water level. He said they are fine and are not blocking the outlet structure. Mr. Lannon said this is a detention pond and will only hold water for a few days after a rain event. Mr. Greg Sommers said there is already a dry basin that has been in the same location for many years. They do not want to install a chain link fence. Mr. Kary said they can landscape as much as possible to hide the pond and the applicant's agreed. Chairman Norris asked if they would be willing to continue the fence from the southwest corner eastward up to unit #10 and Mr. Rick Sommers agreed. They ultimately agreed to the fencing instead of landscaping in the area described above. Chairman Norris asked if the landscaping shown around units 4, 5 and 6 are indicative of what will be installed around all the units and Mr. Greg Sommers said yes.

Chairman Norris reiterated the conditions as agreed upon this evening; : 1) sidewalks are to be installed, 2) there is no less than 25% stone on the front elevation of the buildings and the two eastern end buildings on the north and south are also to have no less than 25% stone on the eastern elevation and have two or more windows 3) the proposed fencing be placed on the north, west and south boundary lines from the southwest corner to lot #10 4) that all of the landscaping along Shankland Rd. is dense low profile landscaping and is installed 10' off the back edge of the sidewalk 5) the two lots must be combined.

Mr. Cook moved to approve the Development Plan/EAS#8-6-23 & Major Subdivision Preliminary Plat for 16 townhomes located at Shankland/PPN#27A0150000230 & 240, Willoughby, OH 44094 with the conditions as stated above and Mr. Capelle seconded.

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

**Motion Carried:     APPROVED**

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

**Conditional Use Permit for  
16 townhomes**

Mr. Sommers of Sommers Development Group is representing the Conditional Use Permit for 16 townhomes.

Chairman Norris said the Conditional Use Permit (CUP) is specifically referring to the lot size not being met for this applicant. He said they are short by .69 acres including the right-of-way exemption. He is impressed with their plan and their willingness to compromise by adding additional items the board has asked for and is now swaying his decision in favor of this CUP.

Mr. Rick Sommers said the code based on the 2.31 acres would allow them to construct eighteen units but they are constructing sixteen units so the development has green space. If they had the three acres, they would be

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allowed to build twenty-one units. Mr. Greg Sommers said they have tried to make this development an asset to the city.

Mr. Kary has concerns about this being approved because it opens it up for other developers to ask for less than three acres. He is against this because it will set a precedent. Mr. Rick Sommers said he believes this board is supposed to look at each applicant based on its own merit and in this case, they can obtain only so much acreage. They purchased additional land to get closer to the three acre minimum and there is no more acreage available at this location. Chairman Norris agrees with Mr. Rick Sommers that each application should be considered on its own merit and he does not consider this precedent setting.

Mr. Capelle said a high-end residential development between commercial and a school is a good use of space. It does not make sense to put a single family home between commercial and a school. He said this fits the fabric of the neighborhood.

Chairman Norris said this Conditional Use Permit will be contingent upon City Council's approval of the EAS.

Mr. Capelle moved to approve the Conditional Use Permit for 16 townhomes located at Shankland/PPN#27A0150000230 & 240, Willoughby, OH 44094 with the following conditions: 1) to allow townhomes to be built on less than three acres as submitted and 2) contingent upon City Council's approval of the EAS and Mr. Cook seconded.

ROLL CALL:           Yeas:     Ben Capelle; J. Cook; S. Norris, Chairman  
                              Absent:  M. Wildermuth  
                              Nays:    K. Kary

**Motion Carried:     APPROVED**

**Amza Group**  
4735 Glenbrook Dr.  
(Rep.- Dom Sciria, Project Guidance LLC, &  
Chris Courtney, C.W. Courtney Co. & Eli Amzalag, Owner)

**Development Plan/EAS#9-8-23**  
**Parking lot expansion**

Mr. Sciria of Project Guidance LLC, Mr. Courtney of C.W. Courtney Co., Civil Engineer and Eli Amzalag, Owner are representing the Conditional Use Permit for a Development Plan/EAS for a parking lot expansion for the Amza Group.

Mr. Kary addressed the EAS. The EAS states this is a truck terminal, but Mr. Sciria said it is a warehouse, not a truck terminal.

- Stormwater: Increases impervious area. Mr. Courtney said with adding six tenths of an acre it falls below the threshold for requiring any storm water management. He said their plans do provide an abbreviated storm water pollution prevention plan. City Engineer: Must include storm water management as well as limit discharge to natural land conditions per C.O. 1171.10 since the system was not designed to accommodate fully developed land. Must comply with C.O. 1171.10 & 1186.06

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- Traffic: no impact
- FD & PD: no concerns
- Noise, water, air pollution: no concerns
- No impact on schools
- Hazardous waste: no concerns
- WPCC: No comments/concerns
- Timeline: Completion by summer 2024

Mr. Kary asked them what is the site going to serve as. Mr. Amzalag said it will be for general storage of non-combustible materials. There will be no hazardous materials of any kind. It is for a warehouse and distribution. It is a national, possibly international, logistics transportation company.

Chairman Norris addressed the Development Plan. Mr. Kary asked where landscaping would be located. Mr. Puskas noted that the site will be improved with landscape islands but this may be difficult with maneuvering tractor trailers and for snowplowing. He said 5% of the parking area needs to be improved. Mr. Kary asked if they meet the current landscaping requirement and Mr. Puskas said he believes they are. Mr. Sciria presented the board with a packet of landscape improvements with exhibits (in record 9-28-23, Exhibit "A"). Mr. Courtney said they concentrated the majority of the landscape improvements in the front of the property where it will improve the view from the street. Mr. Kary asked if they can defer the landscaping to another location and Mr. Puskas said yes.

Chairman Norris asked how many parking spaces will be occupied. Mr. Sciria said 10-12 for employees plus possible visitors. Chairman Norris said there are forty-one parking spaces and suggested they take the first two spaces and made them landscape islands (eliminating four parking spots). Mr. Courtney said by adding islands it could impact drainage which may require drainage structures. He proposed eliminating the parking spaces and convert them from pavement to grass. The board agreed that those would be the "landscape islands". Chairman Norris said if they relegate two parking spots to landscaping that will satisfy the five percent requirement. He left it up to the applicant which two spots make the most sense for them to convert. Mr. Sciria explained the landscape material they will be utilizing. There will be no outdoor storage of materials.

Mr. Kary moved to approve the Development Plan/EAS#9-8-23 for a parking lot expansion with the condition that two parking spaces are relegated to landscaped islands for the Amza Group, 4735 Glenbrook Dr., 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:     APPROVED**

**ALM Properties & Lake Investor Group, Ltd.**  
Shankland & Ridge Rd.  
(Rep.- Jeff Smul & Tom Riebe, ALM Properties,  
Steve Peck, Epcon & Dusty Keeney, Polaris Engineering)

**Rezone/EAS#10-8-23(a) for  
PPN#27-A-008-0-00-021-0, 022-0,  
023-0, 024-0 & 025-0 from R-100 to R-60  
for 19 residential homes**

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Mr. Smul & Mr. Riebe of ALM Properties & Lake Investor Group, Ltd., Steve Peck of Epcon & Dusty Keeney of Polaris Engineering are representing the rezone/EAS#10-8-23(a) for nineteen residential homes.

Chairman Norris said there are only four out of five members present and asked if they would like to proceed and Mr. Keeney said yes.

Mr. Kary address the EAS.

- Storm water: City Engineer- Drainage must be directed to Shankland away from rear yard of Harlow and Parkgate. The site will require retention per code per C.O. 1171.10. A utility easement should be provided along the north line for future sanitary extension from Shankland east. High wall plumbing should be used. All sites 1/10<sup>th</sup> acre or more are required to prove compliance with state and federal regulations. At a minimum this involves a site inspection and letter/report by a qualified professional.
- Sidewalks must be installed on Ridge and Shankland
- WPC: No concerns with rezone
- PD: No concerns
- FD: Increase in services. Gas well and combustible storage tanks must follow 1501:9 Division of Mineral Resources Management- Oil and gas there is a 100' distance requirement from any occupied structure. The well and tanks are to be removed and shall follow the Ohio DNR code. Structures shall not be placed over abandoned gas wells without appropriate venting. Copies of all documents must be submitted to WFD for recording purposes.
- Noise, water, air pollution: No concerns
- No impact on schools
- Timeline: Improvements early 2024, Completion early 2025

Mr. Kary asked what is appropriate venting for structures. Mr. Lannon said that makes sense and he does not know what those rules are. The builders must understand what this requirement is. Mr. Keeney said he believes the wells are lined up in the front or side yards but they would have to look at that.

Chairman Norris addressed the development plan. Mr. Keeney said the project makes sense here because the product they are presenting is skinnier in nature and are only 42' wide. Mr. Peck of Epcon said his company presents age targeted for sale homes. The homes start with two bedrooms and 2 baths and an office on the main floor. The average age buyer is 64. The yard maintenance and snow removal will be provided by the H.O.A. He said slab on grade is 93% of what they build which means there will be at least one point of entry into the home without thresholds. Homes can be customized with wider doorway, grab bars etc. There is a third bedroom option but they still look like ranch style homes. They provide a side courtyard so there is no interaction off the back of the home with other neighbors. The back yards on Ridge Road would not have any kind of fencing and would look uniform. He explained traffic patterns with senior housing and that totally daily trips are less. They start at 1,600 sq. ft. and go up to 3,000 sq. ft. when third bedroom is selected. In an R-100 zoning, they could construct twelve units with driveways coming out onto Ridge. Mr. Cook asked how many could the construct in R-80 zoning. Mr. Peck said they have not looked at that. Mr. Capelle said the application indicates there will be basements, but Mr. Keeney said that was his mistake and there will be no basements.

Mr. Smul of ALM Properties and Lake Properties. He said this product hits an age targeted community because there is a real need because people want to downsize.

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Mr. Kary said this is a great product but his concern is this product at that location. He said from Rt. 91 down there are no back yards facing Ridge Rd. and to start this now is a true negative. He said the area is surrounded by R-100 and to put in an R-60 is not good planning. Mr. Peck said the reason they want smaller lots is the mowing and the larger the yard the more it costs the H.O.A. and they are trying to keep the dues under \$300/month. Mr. Capelle agrees with Mr. Kary and said this is disruptive of the fabric of the neighborhood. Mr. Capelle asked if it is legal to age restrict and Mr. Peck said yes, it is. The H.O.A. will age restrict.

Chairman Norris said it is a nice product but not for this piece of land and he worries about storm water. The flow of the whole stretch of the street is the same. He would like to see what twelve homes would look like on that property.


Mr. Riebe asked how this is different from the development on SOM Center. They did attempt to sell the R-100 lots with no success for the last two years. The yards in an R-100 zoning district will not fit this product. This will fulfill a need for empty nesters. He said the water issues with the surrounding properties will be eliminated once the impervious surface is removed and retention is installed.

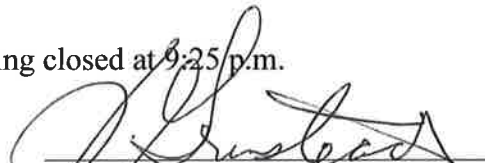
Mr. Kary moved to approve the Rezone/EAS#10-8-23(a) for the ALM Properties & Lake Investor Group, Ltd. for the property located at Shankland/Ridge Rd./PPN#27-A-008-0-00-021-0, 022-0, 023-0, 024-0 & 025-0 from R-100 to R-60, Willoughby, OH 44094 for 19 residential homes and Mr. Cook seconded.

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

**Motion Carried:     DENIED**

There being no further business the regular meeting closed at 9:25 p.m.

  
Steve Norris, Chairman

  
Vicki Grinstead, Secretary