

**MINUTES**  
**Planning and Zoning Commission & Architectural Board of Review**  
**City of Willoughby Hills, Ohio**  
**September 1, 2011**

**CALL TO ORDER:** 7:01 P.M.

**PRESENT:** Chairman Charlotte Schryer, Vice Chairman James Michalski, Council Representative David Fiebig, Mayor Robert Weger, John Lillich, Madeleine Smith

**ALSO PRESENT:** Building Commissioner Fred Wyss, Assistant City Engineer, John Topolski, City Architect, William Gallagher, BZA Representative Frank Cihula and Clerk Katherine Lloyd.

**ABSENT:** John Davis

**MOTION:** David Fiebig moved to excuse the absence of John Davis for this evening's meeting.  
Seconded by John Lillich  
**Voice Vote: Ayes Unanimous**  
**Motion Passes**

**Disposition of Minutes** Meeting of August 18, 2011

**MOTION:** David Fiebig moved to approve the Minutes of August 18, 2011 as submitted  
Seconded by John Lillich  
**Voice Vote: Ayes Unanimous**  
**Motion Passes**

**ARCHITECTURAL BOARD OF REVIEW**

Public Portion opened at 7:04 P.M.

Don Ziegler, 2929 Stratford Way

I am the President of the Home Owners Association at Stratford Place. Our residents are concerned about the value of their homes and property, maintaining their comfort, prospect of the property that will be built, view from their homes and use of our roadway. Others from our community also want to speak.

Betty Hines, 2923 Stratford Way

I moved to Willoughby Hills three years ago from a home that I had built in Mentor. I wanted to downsize and retire in a nice community. News of this project is very disturbing. It is not fair to have a warehouse built in my back yard. It should not be forced upon our small community. We are trying to keep the value of our home up. Having this on the corner invites everyone into our private community. We will have cars going in and out. We are paying property taxes but we do not receive police service all the time because it is a private community. You have decided on this without discussing it with us. Having this on the corner will hurt us and our property values.

Tanya Taylor-Draper, 2909 Stratford Way

Businesses moving in is good, but not at the corner of our property. We are concerned about increased traffic and danger to our children who play in our streets. We are concerned that people and trucks will be coming down our driveway, possibly making u-turns. There are other places in Willoughby Hills that this could be built. You need to hear our needs. We deserve a right to tranquility. We are worried about our neighborhood and property values. We want to come home to a peaceful place. Please consider us in your plans.

Haja Tunkara, Andover Circle, Stratford Place

I have two children. There are a lot of children in the community and not many play areas for them. Non-residents use our circle as a turn-around and then go back out on Chardon Road. Homeowners know to be cautious about the children. Safety is a huge concern. Location of this business should be reconsidered. Why not the lot next to Sears?

(Schryer) As we go through the project, we will try to answer all of your questions, especially lighting, landscaping and safety.

**Public portion closed at 7:12 P.M.**

1. Jeffrey R. Barber

Contractor: Three Z

**2967 Lamplight Ln.– Detached Garage - PPN: 31-A-005-J-00-018-0**

Plans stamped received by Building 8-24-11

Plans approved by Building Department 8-29-11

Present: Jeffrey Barber and Tom Znidarsic

**Owner/Representative Comments:**

- Pictures of the house, back of house and backyard were distributed.
- My objective is to build a two-car garage to match the existing house which was built 11 years ago.

**City Architect's Comments:**

- The drawing is reasonable. The pitch of the roof is similar to the existing house. They state they plan to match the colors, roof and siding. There is the detail that we prefer and corner boards. There is brick veneer on the front. It is a nice style.
- We do request that you return the brick veneer 1 to 1 ½ units to build a corner so it does not look like a thin single width of brick.
- What about the door and window style? *It will match the house..* It will be a panelized embossed door? *Yes.*
- Will there be muntins on all the windows or just on the front. *Just on the front of the house.* That's fine as long as it matches the adjacent elevation to provide continuity.

It actually looks like stone, not brick veneer? *There is brick on the garage.* So you are matching the brick on the side. *Yes.*

**Board Comments:**

(Schryer) The Permanent Parcel Number (PPN) on the agenda is incorrect. The correct number is PPN 31-A-005-J-00-018-0.

(Wyss) We will change all the documents.

(Fiebig) There's a man door on the left side and a window and nothing on the other two sides?

You can see the man door and the window from the patio on the back of the house. On the other side, it's just trees.

**MOTION:** John Lillich moved to approve the plans for the Detached Garage at 2967 Lamplight Ln as submitted.  
Seconded by Madeleine Smith

Discussion:

(Michalski) Should the brick returns on the front of the garage be included in the motion?

**AMENDED MOTION:** John Lillich moved to approve the plans for the Detached Garage at 2967 Lamplight Lane as submitted with the condition that they have 1 to 1 ½ unit returns on the sides.  
Seconded by Madeleine Smith

**Voice Vote: Ayes Unanimous  
Motion Passes**

2. O'Reilly Automotive Stores

Contractor: TBD

**27650 Chardon Road**

**SW Corner of Chardon & Stratford Way – Construction of New Building for Purpose of Retail Sale – PPN: 31-A-008-C-00-060-0**

Plans stamped received by Building Department 8-26-11

Plan approved by Building Department 8-12-11

Present: Gary Klemek from Columbus, Ohio representing O'Reilly Auto Parts.

**Owner/Representative Comments:**

- The building has a brick finish with two different color finishes. Architectural definition includes the brown brick that comes out beyond the beige field background and the cornice that come out from the top on all four sides. It will have no roof top units. They will be screened on the ground. The sign on this building is only on the front facing Chardon Road.
- The sample board with the type of materials and colors has been in the Building Department for the last two weeks. [Passed around the Board]
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**City Architect's Comments:**

- One of my questions on the list I left last week was about the entrance way. Do you have any sample of the plaster board? Is it an eifs system? *It is block panel system?* A panelized eifs system? *As I understand it.* It is not plasterboard at all. *No.* It is identified as a fibrousment system with a shia wall. What is a shia wall? *It is over a foam backing.* What is the surface material? *It is colored cementous.* Is it attached to the insulation board? *I can check the detail. Usually they use an eifs system, but on this building they are using the panel system.* Can you get back to us with information about the shia wall? I need to be certain about what is going on the building? I do have a problem with cement board. *I will get back with you tomorrow.*
- The detailing is on the cornice looks like it has character, style and design, but then I see that it is bent sheet metal which would be done in the field instead of being machined. That means it would only be as good as the person forming it. *The have used it on a couple of buildings It extends down the wall like a cap about one foot.* The specifications say that it is a pre-formed, pre-engineered metal cap flashing. I need to know the trade name so we can be certain about what will actually be used. I need to know that it is machined, not field fabricated. We don't want weaknesses or loss of color at the corners or waving. We want to know that it will be consistently heavy gauge. *I will get that information.*

- You provided the photometrics for the building. On the wall packs, what will prevent the glare that comes off a standard acrylic lens? Will there be a shield? *It is down lighting on the wall.* There is a model number: Hubble PGM 150PATVELTV but there is no detail on the plan. *Usually those are square down cans. I will get the catalogue information.* That is critical. It looks like wall pack with a visible acrylic lens with no uniform reduction of light. We are very sensitive to the amount of light that goes into the neighbors' properties. *I will get the information. The ones I have seen are down lights that are basically wall accents.*
- It is an attractive building that fits in the character of the community, but it does have Planning Commission issues
- The air handlers on the outside are only condensers. It is a split system with a horizontally mounted furnace. There are four condensers but they are different from residential models. They are screened, shielded and dampered down. I do not think they will be noisy or obtrusive or an issue for residents in close proximity.

(Klemek) Can I get the notes from this meeting? *Yes.*

**Board Comments:**

(Michalski) Mr. Gallagher, on drawing A3 of A5, was the item you were discussing Item 4 and 5 in the key notes? *Yes.* Just for clarification, there are no roof top units on this building at all? It is a clean roof? That includes exhaust fans? *No, my understanding is that there are no mechanicals because it is a seamed roof. There are vent stacks. I will double check.* All four elevations are receiving the architectural finishes of the brick work? That is correct - and the parapet.

(Fiebig) It is unusual for a commercial building to have detail on all four sides, have the brick veneer, have the detail they are putting into it and have them not use warehouse-type doors and roof top units. They have put good attention paid to the neighborhood and the 360-degree aspect of it. The Board has insisted on it. We appreciate their effort. They have made other requested modifications.

(Schryer) In Planning Commission, we will review the site plan, lighting, landscaping and other thing.

(Fiebig) Are the issues that the Architect brought up 'deal breakers' or are they something we need to come back and look at?

(Gallagher) He is saying everything correctly but we do not have the catalogue cut sheets or the names of the manufacturers. I would want to know that a contractor will follow through. I would like to see specifically what we will get, specific trade names, manufactured items; know what we will get and then assurance that it will be installed properly. They have designed a nice building. We need to know it will be built the way it was designed.

(Schryer) If these things go into the motion, once they leave here, the applicant still needs to go to Lake County. He would time to address the list of things, update the elevations and clarify the questions. Our Board votes on what is the finished product in Architectural Board of Review. *I can get you the information and ask the questions you have asked.*

(Michalski) Once again this comment is for the residents of Stratford Way. Typically, in a building like this, the front and possibly two elevations will receive the better finish. The back is usually bare metal or cement. O'Reilly has provided architectural treatment on all four sides. This is above the norm. Also, by not putting the mechanicals on the roof, he has put them on grade behind a screen wall on the west elevation so those units will not be seen. For a freestanding building, from an architectural perspective and building treatment perspective, O'Reilly has done a very nice job.

(Gallagher) You have described it properly. They have the quality of material, brick colors, details, features and colors that we like to see in the community. It is a very stylized building. They have presented quality from the beginning.

**MOTION:** James Michalski moved to approve the plans as submitted for the O'Reilly store construction of new building for purpose of retail sale at the SW Corner of Chardon & Stratford Way contingent upon the applicant submitting additional information on the nichu panel system in item 1 on the elevations to the Building Department; the applicant will also submit manufacturing information for items 4 and 5 which are the pre-engineered metal cap flashing system; and that the applicant will also submit information on the exterior wall mounted lighting fixtures to the Architect

Seconded by John Lillich

**Voice Vote: Ayes Unanimous**

**Motion Passes**

(Schryer) The plans and drawings were presented to the audience to review and discuss. There was a Break from 7:47 PM to 7:56 PM called to allow review and discussion of the plans.

### **PLANNING COMMISSION**

**Public Portion opened at 7:56 P.M.**

#### Betty Hines, 2923 Stratford Way

We in Stratford Place feel that we do not had a voice. I listened to the vote. I feel that we have wasted our time here. Since we know the building will be there, could it have a horseshoe driveway so they would not have to use Stratford? If they are going to use Stratford, what type of revenue will we receive to repair the road? Do we have to repair it on our own? Recently, Fifth Third Bank had an event, we had to park our cars elsewhere and walk home. We should not have to live like this. How would you feel if it is in your backyard?

#### Emily Williams, 2926 Stratford Way

Regarding the road that will go on to Stratford Way, already in our documents that are registered with the city, it does say that any property that uses our Stratford Way Drive is responsible for paying half the maintenance of that road. We still haven't seen any of that from Fifth Third Bank. We are working with our lawyers to get that done. We would definitely want the City to help us to enforce if the road does in fact go in there.

Additionally, we have requested that the existing fence be continued or replaced along the whole length behind Fifth Third and the O'Reilly Store. We want an actual fence, not just landscaping, to block the commercial property from our residential family homes.

There will be more traffic on our road which will affect us leaving for work, getting home from school and the school buses. We have trouble getting out of the neighborhood now because we have no traffic light. Is it possible to get a light because of the increased traffic?

When will the delivery trucks be coming? The road backs up on four homes. Will it be a service road? Will this disrupt sleep? What other noise will affect us? We ask that the City regulate the delivery schedule. We ask that the City consider all of these things.

#### Ennis Johnson, 2927 Stratford Way

Traffic is terrible in the area. Two internet casinos triple the traffic. You are discussing delivery in 18 wheel trucks. Right now 18 wheel trucks can't get down there. Only 5-6 ton truck can. If we need to continue maintenance of the property and need to give them easement, we must be compensated for the wear and tear. We are not being compensated now. In 12-15 years, I want it to be as pristine then as it is now. We want to safeguard our future property values.

**Public portion closed at 8:01 P.M.**

(Schryer) As we go through, we will talk about the easement. Much of the purpose of the easement is for safety reasons: fire, ease of getting in and out. We will address the trucks, store hours and lighting. The lighting evaluation was given to us tonight.

1. O'Reilly Automotive Stores

Contractor: TBD

**27650 Chardon Road**

**SW Corner of Chardon & Stratford Way – Construction of New Building for Purpose of Retail Sale – PPN: 31-A-008-C-00-060-0**

Plans stamped received by Building Department 8-12-11

Plan approved by Building Department 8-12-11

Present: Gary Klemek from Columbus, Ohio representing O'Reilly Auto Parts.

**Owner/Representative Comments**

- One of the key features of the enhanced landscaping is the fence. We will take down the existing fence and grade the whole area on the bank side and on our side so it drains correctly. Will repair and re-install the 6-foot solid white fence but it will extend across behind both buildings to separate the O'Reilly property from the residential property. Depending on the condition of the fence, it may be a new fence. The fence will help keep light on the property on the back of the parking. Description of the fence is on C-2.
- The light fixture at the back of the parking lot facing toward the building has been changed from a 3-lens fixture to 1-lens. The wattage on the bulb has also been reduced. Because of the fence, it has reduced the foot candles at the property line to about zero. Light will not trespass over the fence due to height.
- Increase to the landscaping as requested is shown on L-1. We have added a wall and additional landscaping. We moved an elm to help block the back of the building. They are 3-inch caliper large elms trees in the area behind the bank will be transplanted to the area next to the driveway. Red cedar will be added to that. All the way across the back will be 34 arborvitae. Sod will be behind the area shown.

**City Engineer's Comments [John Topolski]:**

Site-wise, they have done everything we have asked them to do: Stormwater and run-off, Control and storage of the water quality in the rear and the low wall.

**Board Comments:**

(Schryer) Can you tell us about the easement? *We have a recorded easement. The recording numbers are on there. One is for access to Stratford Way and one for access through the bank site. It is a standard cross-use easement which is recorded with the county.*

(Fiebig) For benefit of those who were not here at the last meeting, can you provide some of the history of where O'Reilly started with purchase of land and research into the ingress and egress. *The legal department handled that. They needed the access and research indicated that the bank could provide them with an easement. Property owners that are contiguous to Stratford Way have access to Stratford Way. I do not know the details of the agreement about obligation for contributing to it.*

(Schryer) It may have been when Stratford Way started. When the site was developed, it was developed with the two commercial properties in the front and the easement in the back to begin with.

(Lillich) When Stratford Way was approved for townhomes, the two commercial lots were approved at the same time. It was one approval because it was part of the one piece of property. At that time, the owner wanted the commercial lots on Chardon Road and the Board agreed that it was better than having the town homes out to Chardon Road.

(Fiebig) The zoning of the two parcels was approved by vote in 2006.

(Lillich) This type of business meets the criteria of what we allow in our commercial area.

(Wyss) O'Reilly's has supplied us with the deed restrictions and documents, documenting the commercial aspect of ingress-egress on the front portion of Stratford Way. If the HOA does not have copies of the documents, I have extras from the first meeting that we had. It is a requirement from the Planning Commission approval that we have all easement documents intact before we would go for Preliminary Approval. The City Engineer demanded it before we could have the Preliminary meeting. O'Reilly researched and found that they had the original document. Fifth Third provided the original document for the other portion of the rear driveway.

(Weger) Heinen's owned the original property for 30 or 40 years before Giant Eagle and before Heinen's located at Pine Valley. The whole area was commercial. Just the front was made commercial and the rest was made townhomes through the development of the whole property. Stratford Place has the ability to become a gated community which would stop anyone but residents from coming in and out. With regard to safety services, you are entitled to all the protective services: police and fire. If you call, they come. They do patrol all areas even if private. You do not have snow plowing because you are private.

(Smith) What is the delivery habit for this store? *I will check on their delivery schedules, type and size of trucks and closing times. They are operating a business. I do not know the trash pick up schedule.*

(Weger) My understanding is that once the store is set up, there are regular deliveries from the warehouse all day long in vans or pick up trucks to accommodate customer orders.

(Michalski) Is it possible to have a sign "No Right Turn" in order to prevent turns into the Stratford Way? The easement is shown on Landscape plan L1 of 3. *(Klemek) O'Reilly trucks would not normally go there. The drivers can be instructed. It is private property. The community can put up signs "No Outlet" and "Private Road"*

(Topolski) The bank will be lined with rock for the drainage. That would be an issue for placing a sign.

(Schryer) You plan to transplant the trees. The odds are, they will die. We want the record to reflect that O'Reilly's will replace them. *Yes, we can give a year replacement.*

(Michalski) Regarding concern about traffic going onto Chardon Road, do the residents of Stratford Place understand that the primary entrance and exit to O'Reilly's will be through the concrete apron that goes into the bank? *(Klemek) It is a primary entrance and a shared entrance with the bank. Most of customers will be in the front where the main parking is located. Employees and service people will be in the back.*

(Michalski) What is the future for Chardon Road itself. *(Weger) It is busy and has lots of lights. We could do a traffic study. We could also synchronize the lights. It is not the highest accident area.*

(Gallagher) The trees will be embedded in riprap which is stone. I think there should be a permanent landscape agreement that the items be replaced for the life of the structure. There is an inherent problem with putting rock over tree roots. *(Klemek) It is a functional drainage area. You are torn between zoning compliance and engineering standards. But you need to make sure they stay healthy for the life of the structure. (Klemek) They do their landscape maintenance and the area will be sprinkled. If you move the trees, they have to go somewhere,*

(Topolski) The trees could be replanted about 4 feet to the north. *There are existing bushes*

(Michalski) Would the property owners allow O'Reilly to put the trees on their property. *They are screening the fence. We will try.*

(Lillich) Who is responsible for maintaining the riprap that naturally silts in?

(Wyss) The riprap that was placed in line with the median strip is currently vegetated with wetland plants that volunteered naturally from seeds. In about six years, the whole riprap area will be about the same. That is the purpose of the vegetation. It slows down the water and allows it to soak in and keep the pollution for going downstream.

(Lillich) The vegetation could thicken so that no water gets through. Who takes care of it?

(Fiebig) That goes into the commercial maintenance code that is already on the books for property owners. With regard to paying for maintenance of the road, we should see if there is anything the city can do to help resolve the question. We can get the document from Emily.

(Michalski) Is there any height limit for fences on commercial properties? *(Wys) Seven feet high..* Okay, so per Board consensus, there would be a benefit to the residents to make a 7-foot high fence.

(Klemek) *It would be okay.*

(Fiebig) With regard to property value, right now that lot is weeded over. O'Reilly is coming to invest about \$750,000 in the community and will provide jobs.

(Michalski) I want to thank you for coming out and sharing your concerns. This type of development meets all the zoning requirements for the property. The easement was approved at the time of the original parcel development. If the applicant is abiding by all the zoning laws and has satisfied the Board's concerns both architecturally and from a site development plan, I need to make a motion. The Board has tried to do the most for you that we can based on what the City Ordinances and Zoning Laws allow us to do. Chardon Road is a commercial area.

**MOTION:** James Michalski made a motion based on the plans and discussion tonight that the site development plan at the SW Corner of Chardon & Stratford Way be approved contingent upon 1) O'Reilly Auto Parts submitting evidence that a new fence of the south side will be 7 feet high; 2) that the maintenance of the landscaping, specifically of the trees on the south property line will be a perpetual maintenance and replacement program not limited by any 5 or ten year program. It will be as long as O'Reilly has this property; 3) That O'Reilly will submit to the city a delivery schedule and size of trucks that will be servicing this site; and 4) O'Reilly will place "No Right Turn" signs at the intersection of the easement road and Stratford Way, emphasizing that it is a residential area.

Seconded by Madeleine Smith

**Additional Discussion:**

(Fiebig) With regard to contingent No. 3, can we move that no trash pick up will be between the hours of midnight and 6:00 AM?

(Weger) We already have an ordinance that says 7:00 AM.

(Fiebig) It is important to reassure people that we have it and we can enforce it.

(Klemek) Can you read back the landscape section? *[Contingent No. 2 read back]* We are defining that trees are being placed on the edge of the access road, not the whole south side of the property? *Yes.* This is the area with the stormwater drainage where the trees might die and we would need to keep replacing them? *(Schryer) It is also Fifth Third's property?*

(Gallagher) It reinforces the Commercial Maintenance Code and a little beyond that. I am specifically concerned about the trees in the riprap.

(Michalski) It is a small thing to maintain the shrubbery on the entire south side. My motion stands.

(Smith) If you plant the appropriate plants, they will grow.

(Weger) Because of this Board, the initial plan has changed and improved. It would have looked like a warehouse. They have worked with us. This is a unique building with landscape for an upscale community. The commitment from O'Reilly will make that property much better.

(Schryer) As soon as the minutes are written, a copy will be sent to the Building Department and they can email a copy to you.

(Smith) We are a commission who are not paid or elected. We are people who are interested in making the City functional and pretty. We appreciate that you brought your concerns to us.

**Voice Vote: Ayes Unanimous  
Motion Passes**



**Mr. Topolski and Mr. Gallagher left at 8:50 P.M.**

**MASTER PLAN**

No discussion this evening.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**MAYOR'S REPORT**

None

**MEMBER'S REPORT**

None

**COUNCIL REPRESENTATIVE'S REPORT**

- Corn Fest is coming. Win A Car tickets are being sold for the fundraiser.
- I went to the Stratford Way HOA meeting. They do have an issue with flooding basements (Weger) We have been working with Stratford Place. There are two house that are flooded. We identified some problems that the builder needs to fix. We have met with the builder, the engineer and the Building Department. Flow meters were installed and we are checking them regularly. (Wyss) The sewer on Chardon Road was just cleaned. They found a lot of grease. There are many sources of grease.

**BUILDING COMMISSIONER'S REPORT**

None

**CHAIRMAN'S REPORT**

None

**MOTION:** John Lillich moved to adjourn.  
Seconded by Mayor Weger  
**Voice Vote: Ayes Unanimous**  
**Motion Passes**

**Adjourned at 9:00 P.M.**

  
Clerk

  
Chairman

Date Approved 10-6-11