

**PLANNING COMMISSION
CITY OF WILLOUGHBY
WORK SESSION
FEBRUARY 28, 2017
WORK SESSION MEETING
MINUTES**

PRESENT: R. Fiala; C. Cox; G. Patt, Vice Chairman

ABSENT: G. Merhar, Chairman; K. Kary

OTHERS: Janice Lipscomb, Econ. Development Mgr.; Darryl Keller; Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary
Councilmen: Jerry Ranally, Bob Carr, Bob Harrold; Chris Woodin; Jeff Black

Vice Chairman Greg Patt called the work session meeting to order at 6:05 p.m.

Janice Lipscomb

ZONING CODE BOOK UPDATE

Mr. Dave Hartt and Mrs. Kris Hopkins represented CT Consultants. Mr. Hartt stated they prepared a summary sheet related to restaurants, breweries, brew pubs etc. that were a topic of discussion at the last meeting. Another top of discussion that is included on the summary sheet was allowing non-traditional uses in the industrial district and non-traditional uses in the business district. Mr. Hartt explained that this sheet is only for use for this meeting and will not be in the code this way. Mrs. Hopkins stated they focused on the Phase I report, Section 2A, which talked about changes to the districts and changes to the list of permitted uses. She stated that some of the definitions came directly out of the Ohio Revised Code.

Mr. Patt stated "Car sales agency" was modified so that we can allow larger car agencies to utilize some of the vacant properties within the city. Mr. Ranally was not in favor of these changes. Mr. Patt explained that they would limit the property to 20,000 square feet to attract businesses to the vacant properties on Mentor Ave. Mrs. Lipscomb stated the City of Mentor just revised their code and Mr. Hartt will contact them. Mrs. Hopkins stated it's currently conditionally permitted only in General Business District. There was some discussion on where in the city a large dealership selling used vehicles could reside. Mrs. Hopkins stated there are some design guidelines in the code that they will consolidate to make sure they are applicable to all the commercial districts. This is so the Planning Commission can review the site plans and as a conditional use the Board will be able to make sure the building and landscaping designs meet the city's criteria. Mrs. Lipscomb stated the reason they are changing this section of the code is to help fill the vacant areas on Mentor Ave. The old Nissan dealership lot has been sold and will be occupied by a new business. The Audi dealership remains vacant. Mr. Hartt stated the reason for these changes are that market forces are changing and that businesses are going in different locations and the city should be as flexible/reasonable as possible, with older buildings and in older areas, to attract these businesses. Mr. Patt is in favor of being more flexible but adding conditions and Mr. Hartt agreed. Mr. Black stated his concern is the conditional uses are not iron clad. Mr. Harrold, Mr. Wood and Mr. Carr are in favor of allowing the

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larger used car dealers in the city. Mr. Fiala's concern is that properties will be devalued. Mr. Cox agrees with Mr. Ranally and is not in favor of these changes.

Mr. Ranally asked what the rationale was for changing the restriction of the number of residents allowed in a group homes from 6 to 8 unrelated residents. Mrs. Hopkins stated it's in the Ohio Revised Code and you cannot preclude it. There are two types of small group homes; one is for the developmentally disabled and the other is elderly people with disabilities. There was some discussion on a home in the city that is for recovering addicts and if it is considered a small permitted group home. Mrs. Hopkins stated there are rules in the Ohio Revised Code as to what their conditions have to be. She will look this information up to see if they have a specific license. Mr. Keller stated there are federal regulations with Fair Housing that preclude the city from preventing them to live in the city. In some cases they consider recovery from drugs a disability.

Mr. Fiala asked if the state or the Ohio Revised Code (O.R.C.) make a differentiation in terms of licensing for micro breweries or distilleries. His concern is that business are "getting in the back door" with the A1 manufacturing permit and the city cannot stop this. Mrs. Lipscomb stated there is no limit on the manufacturing permits. Mrs. Hartt stated the O.R.C. states if you obtain an A1 manufacturing permit, which is for beer and wine; in order to sell or serve individual drinks on the premises you have to obtain an additional permit, which is an A1A permit. The A1A permit is subject to the local option or "D" permit. There was some discussion of businesses trexing them in. If a business invests more than one million dollars you are able to trex (transfer exempt) in a license. Mr. Hopkins stated they would defer to their attorneys on this subject because zoning cannot regulate liquor. Mrs. Hart stated the city's code distinguishes where you can manufacture something and where you can sell it. If a business has a liquor license to manufacture alcohol then it has to be located within an industrial district. A "Micro-brewery, micro-distillery or a micro-winery" are defined by the quantity they manufacture. If a micro-brewery has a restaurant attached to it will be defined as a brew-pub. The brew-pub would be conditional in the downtown and general business districts.

There was some discussion on "Outdoor display/sales" and the local businesses in the area complying. Mr. Hartt stated if someone is doing something other than what is permitted on their Conditional Use Permit then they are changing their operation. Mr. Keller stated if any business does outdoor retail sales then a permit is required unless they have gone to the Planning Commission and obtained a Conditional Use Permit.

Mr. Patt asked why "Pharmacy and associated convenience goods" was removed. Mrs. Hartt explained that back in 2008 when it was adopted it was a specific use added to the Motor Service District, so retail was not permitted. This was to allow the CVS in the city.

There was some discussion in regard to the term "senior citizen". Mrs. Hopkins stated the federal laws says if you have a housing development that is marketed or restricted to senior citizens, and they define it as 55 and older, then you don't have to allow children. It is an exemption to the Fair

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Housing Act. Mr. Patt asked about the one mile restriction and Mr. Hartt stated they intend to delete it. This will allow “senior housing” in locations like the single family district where you could not otherwise put an apartment. There was discussion on what would happen when there are no more baby boomers. Mrs. Hopkins stated there are more millennials now then there are baby boomers. Mr. Fiala stated that by the year 2020 there will be the largest working population in the country. He stated they’ve had some “push back” on senior care because you create a homogeneous environment. Mrs. Hopkins stated they have these listed as a conditional use and in the conditional use section the general criteria allows Planning Commission to review it for its economic impact etc.

The “work/live unit” would allow people to live on the first floor with a certain percentage requiring them to be used as their occupation such as an artist with a gallery etc. This item is also listed as a conditional use in the downtown district. There was some discussion on whether or not to let someone live on the first floor of the townhomes on Sharp and Euclid Ave. without a business.

Mr. Patt spoke at the last meeting about a school building in Portland Oregon in regard to spot rezoning. There are two buildings within the city, Immaculate Conception school which is currently vacant and Browning which the school may sell and could be rezoned for multi-family use. Mr. Patt had a developer approach him in regard to the Immaculate Conception property but it is in the single family district and would need to be rezoned. Mr. Black stated if you use Browning School then there needs to be a minimum square footage requirement. There will be other requirements such as conditional use, reuse of a historic building, cannot build a new facility etc. Mr. Hartt stated his company did this for the City of Dayton. They allowed the economic reuse of the property but did not allow retail stores. Mr. Black’s concern is that if the school sells Browning then it will be divided into parcels with possibly eight homes and the park and baseball fields will be lost. If they do what Mr. Patt is suggesting then the city could make a requirement that the green space remain.

There was some discussion on the keeping/raising small livestock and bees in regard to the setback requirements and lot size. Mr. Woodin stated in his ward he had a resident that was made to get rid of her chickens because of the odor.

Mr. Patt asked Mrs. Hopkins what the Use-Specific Standards Reference column is for. Mrs. Hopkins stated the city has a chapter for conditional uses and there are a number of paragraphs that are use specific. She refers to page 72 which is the beginning of the city’s conditional use standards. If you have a use that’s permitted in one district but conditional in another some of the conditions that are in the conditional use chapter are applicable to that use whether it is permitted or conditional. She cites an example of parks and playgrounds. They are a permitted use in single family and multi-family districts. There are use specifics for parks and playgrounds in the chapter for single family districts. Mr. Hartt stated what it is alerting you to is that there is more to look at then the specific standard for just that district. There was some discussion on expanding the walkable downtown district to Vine St. and past the tracks on Erie St. There was some discussion of converting current buildings that are now businesses back to single family homes in the downtown district. Mr. Hartt

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stated it would be more beneficial to the city to reoccupy an existing structure rather than allowing single family homes. Mr. Woodin asked about school property and the historical barns on that property by the Board office. He wondered if there were plans for tearing them down or preserving them. Mr. Ranally said they are in disrepair.

Mr. Patt referred to the Motels and Hotels and Inns section. Mr. Fiala has suggested that the U.S. Bank building is for sale and may be a good location for a hotel, but under the current code it is not available under Downtown. Mrs. Hopkins explained as they were going through the code it seemed that the definition of an "Inn" is limited to a certain number of rooms and wondered if it might be overly restrictive for downtown. Mr. Hartt stated the cap on the number of rooms for an "Inn" is 18. The "Commercial Manufacturing District (C-M) has been eliminated.

Mr. Patt referenced Page 62, (c) Glare and Heat and why was "shall be performed within an enclosure" eliminated. Mrs. Hopkins stated it was operations in the C-M District and the C-M District has been eliminated. Now it reads in the L-I or G-I district they "shall be performed so as not to create any hazards". Mr. Patt stated if you have glare and heat then it should be enclosed and Mrs. Hopkins will add it back in.

The Overlay Districts. Mr. Patt stated at the last meeting it was discussed to have Limited Retail and Industrial Overlay. Mr. Black asked if they discussed going down 100 yards. Mr. Hartt stated when we started out with this we were thinking of just putting some kind of dimensional standards that it had to be within X amount of feet of a street or within X amount of feet of retail etc. We decided it would become cumbersome, so we decided to just map it. Mr. Fiala stated they wanted to keep it along the highest traveled corridors. Mr. Fiala cited an example: if down toward the end of Hamann Parkway someone wants to put in a distillery, the city does not want to have a vacant building not qualify for this type of business, so we'll overlay the entire district. Mr. Patt stated they did not do it that way. His opinion is that if we are going to do Hamann Parkway let's do all of it. Mrs. Hopkins stated they made a distinction with those types of retailers (large format retailers) as a conditional use in the Limited Industrial District. They are not permitted through the Overlay District but are permitted as a conditional use. She explained that they went through the list of uses permitted in General Business District and determined which were appropriate anywhere in the Limited Industrial District. There were other things they added so they are not restricted to just the Overlay District. Mr. Hartt added they had the other allowance that said an industrial use or warehousing use can have a sales area up to 10% or 4,000 s.f. whichever is greater. Mrs. Hopkins stated that the general idea is that they're just adding more flexibility in the types of uses that you can do in the underlying districts. When they talk about the Limited Retail Overlay with the Limited Industrial underneath we will keep all of the development standards such as the minimum lot size, the minimum building setback etc. that apply in the Limited Industrial District. There was some discussion regarding allowing additional signage in these areas and if the city should put its retail sign language in these overlay areas or should they remain consist with the manufacturing signage. Mr. Hartt stated it would depend on how much retail you would attract to these areas and in his opinion if there was quite a bit of retail then you would want to allow the retail standards so they could compete.

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Mr. Patt stated the section where the Planning Commission has the ability to subscribe supplementary conditions and safeguards has been struck out. Mrs. Hartt explained there were some duplications and she was working on combining the two tables to see if it is easier. Mr. Patt stated to Mrs. Hopkins to make sure they do not take away the Planning Commissions ability to set conditions and safeguards.

Mr. Patt referred to Page 83, item #4; Outside entertainment/music section. Mr. Fiala stated there was some discussion amongst the bar and restaurant owners about bringing their rear patios to the front much like they do in European cities. The problem he foresees is that the music may end up in the front also. Not only would the Planning Commission have to define the kind of music allowed, how loud the music is, the time but also the location. Mr. Ranally stated if you permit this in front of restaurants and bar there is an issue of outdoor service which may lead to the street. Mr. Patt stated that Mr. Sayles, the city engineer, said that on one side of the street the sidewalks are wider than the other isn't and they would be going into the right-of-way if they put tables out front. Mr. Fiala stated there has been discussion on conversational level music and that it means different things to different people. There was a brief discussion on this topic. Mr. Hartt stated the use of the right-of-way for outdoor dining is typically not a zoning provision; it is Council's separate ordinance for regulating the use of the right-of-way. The music out in front of a restaurant/bar may bounce differently than if it's in a rear area and the complaints would depend on what homes/businesses are in that area.

Mr. Patt asked why on Page 86 items, (4) There shall be no area designed or designated as a "bar" where the patrons and stand or sit and consume beer or wine by the drink or bottle; and (5) No beer or wine shall be consumed unless the user is seated at a table designated for dining, were highlighted. Mrs. Hopkins stated these ordinances were old and she looked at the conditions though the years and these not been enforced and Planning Commission and Council were in agreement to delete them.

Mrs. Hopkins stated that on page 87 (mm) "Retail Establishments and Similar Use oriented to Employees in the District", is an existing provision that has not been discussed before and applies only in the office business and implies that you can do only 20% of floor area in the district that can be devoted to a retail type use. She wondered if this was a provision that was used and made sense. There was some discussion on this section and it was decided to leave it in.

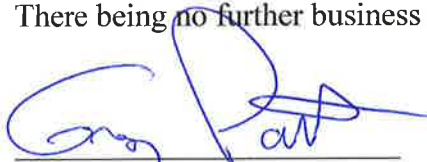
Mr. Patt summed up a list of items that are to be reviewed, consider and finalize at next zoning meeting

1. More restrictions for used car only dealerships to prevent undesirable ones.
2. More clarification about manufacturer's (Beer and wine) liquor license that allows applicants to obtain a full A1A permit with no oversight or restriction by the city. The potential to have unlimited locations as a result.

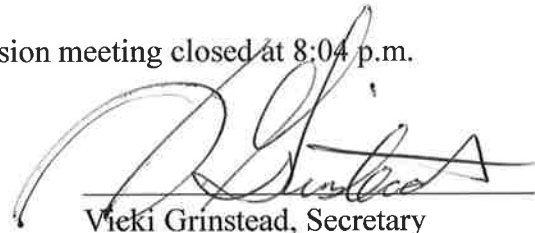
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3. Code that would allow us to reutilize large or historical buildings within residential or other zones, such as closed schools, for other uses not part of their normal zoning, multi family living, small specialized business etc.
4. Expand retail overlay on Hamann Parkway and others. Hamann was supposed to be the whole street.
5. Add the retail overlay to properties off Lost Nation.
6. Sign standards for these new overlays.
7. Recommendations for outdoor patio live music regulations - best practice of other cities.
8. Recommendations for sidewalk patios on Erie Street.

There being no further business the Work Session meeting closed at 8:04 p.m.



Greg Patt, Vice Chairman



Vicki Grinstead, Secretary