

**PLANNING COMMISSION
CITY OF WILLOUGHBY
MAY 11, 2017
REGULAR MEETING
MINUTES**

PRESENT: C. Cox; K. Kary; Wade Mitchell; G. Merhar, Chairman
ABSENT: R. Fiala
OTHERS: Mike Germano, Asst. Law Director; Jim Sayles, City Engineer;
Darryl Keller, Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary

Chairman Merhar called the regular meeting to order at 7:16 p.m.

MINUTES

Public Hearing Meeting Minutes
Regular Meeting Minutes

April 27, 2017
April 27, 2017

There was not a quorum to vote on the Public Hearing Meeting Minutes of April, 27, 2017 or the Regular Meeting Minutes of April 27, 2017

Mr. Kary moved to untable the Old Business and Mr. Cox seconded.

ROLL CALL: Yeas: Mr. Mitchell; Mr. Kary; Mr. Cox; Chairman Merhar
 Absent: Mr. Fiala
 Nays: None

Motion Carried: UNTABLED

OLD BUSINESS

Janice Lipscomb
(Community Development Manager)

**W/E Schools/Plat of Survey,
Consolidation & Lot Split**

Permanent Parcel Numbers:
27-A-029-00-001, 27-A-023-J-00-030-0, 27-A-J-00-031-0 & 27-A-023-J-00-032-0

Mrs. Lipscomb is representing this application for the Willoughby-Eastlake Schools Tech Center consolidation of parcels. Mrs. Lipscomb shows a rendering to the Board for "Site A" which is the old Willoughby Union High School and the gazebo in Point Park and also shows the rest of the parcel that goes along with the high school. They are asking to consolidate the plat to remove all of the lot lines. CT Consultants has done the survey and taken out all of the lot lines in between, so that it is just one parcel.

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The part in green on the rendering will be split off once the city takes ownership. The city will own all of Point Park, including the gazebo; which the city currently does not own. This request comes for the City of Willoughby's Law Department so the property can be transferred to the city from the school district. The school has already signed off on the plat. The second part is "Site B" which is the old junior high school and welding shop. They are proposing to remove all of the lot lines and consolidate into one parcel. There are nine parcels and is part of the redevelopment. Once the property is owned by the City they will come back before the Board for the lot split portion to split out the Point Park piece, so the City will own all of the park. Mr. Sayles stated it is on the agenda as a consolidation and lot split. Mrs. Lipscomb stated the city does not own it yet, so they cannot do the lot split. Mr. Sayles stated the Board can approve the lot split. The lot split does not become "real" until it is filed and that way it is all done in one meeting. Chairman Merhar wanted to clarify that the green portion on the rendering will remain separate and is the city park and will continue to be the city park. Mrs. Lipscomb stated it is Point Park and we do not own it, but its part of Point Park, but the school owns it. The city only owns a small portion; we don't own the gazebo or anything past the gazebo. Mrs. Lipscomb stated Mr. Sayles said the Board can do the lot split. Mr. Sayles stated the Board is not actually doing the lot split; they are just agreeing it makes sense. Mr. Kary stated he is comfortable with what is presented for the consolidation of the lots and approving the split. Mr. Germano stated that Mr. John Wiles, Law Director, wants a continuance on this because they are still getting everything worked out. You are consolidating everything and eventually it will be split off. Mr. Wiles is working on the paperwork to have everything ready. Mr. Sayles stated the ordinance says you do not even have to have a survey done for Planning Commission to approve a lot split. You can come in with a hand drawn sketch showing the parcels that you would like to split. Chairman Merhar stated he just wants to make sure the Board is doing everything legally. Mr. Sayles stated if Planning Commission is in agreement with this then they vote yes. The owner of the property then hires a surveyor. The reason the ordinance is written the way it is, is because you do not want to make an applicant go through the expense of hiring a surveyor and Planning Commission votes to decline the submission. Chairman Merhar stated the lot split is for the schools and Mr. Sayles stated it is. Mr. Germano added it is also for the future sale. Mr. Cox reiterated that all the Board is doing is agreeing that the concept as presented in the drawing is acceptable to the Board. Mr. Germano stated he is just relaying what Mr. Wiles told him, which is continue this portion. Mrs. Lipscomb stated Mr. Wiles also told her not to do the lot split today. Mr. Mitchell stated if the Law Department does not want to do it, then the Board should table it. Mrs. Lipscomb stated they do want to consolidate and get rid of the inside lot lines. Chairman Merhar would then come in and sign the plat and the city will file it. The property will then be transferred to the city within the next two or three weeks. There was some discussion on what address to use in the motion. Mr. Kary wanted to know what term they could use in the motion to delineate that plat. Mr. Mitchell suggested saying: the property currently owned by the Willoughby-Eastlake City School District located between Euclid Avenue and Center Street down to the property owned by the City of Willoughby. Mrs. Lipscomb stated there are parcel numbers that can be used. Mr. Cox suggested letting Mr. Mitchell make the motion the way he thinks it should read.

Mr. Mitchell moved to approve the consolidation of the lots currently owned by the Willoughby-Eastlake city schools that are in permanent parcels: Lot #A: 27A-029-0-00-01-0, 27A-023-J-00-030-0, 27A-023-J-00-031-0 and 27A-023-J-00-032-0; Lot #B: 27-A-026-D-00-030-0, 27-A-026-D-00-031-0, 27-A-026-D-00-032-0, 27-A-026-D-00-033-0, 27-A-026-D-0057-0, 27-A-026-D-0058-0, 27-A-026-D-0059-0, 27-A-023-J-00-053-0 as submitted and Mr. Cox seconded.

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Mr. Germano would like to record to reflect that the Law Department would like this to be tabled. Mrs. Lipscomb stated that Mr. Wiles told her that the consolidation should be done today and Chairman Merhar should come in and sign the plat the next day. Mr. Sayles stated he signed the plat today and the lot split plat also. Mr. Wiles did want the other lot split for Willoughby-Eastlake Lot Split for Breckenridge tabled.

ROLL CALL: Yeas: Mr. Kary; Mr. Cox; Mr. Mitchell; Chairman Merhar
 Nays: None
 Absent: Mr. Fiala

Motion Carried: APPROVED

NEW BUSINESS

Willoughby-Eastlake Bd. of Education
37047 Ridge Road
(Rep.- John Wiles)

**Lot Split/
PPN#27-A-007-000-005-0**

Mr. Cox moved to table Willoughby-Eastlake Board of Education lot split per the applicants request and Mr. Kary seconded.

ROLL CALL: Yeas: Mr. Cox; Mr. Mitchell; Mr. Kary; Chairman Merhar
 Absent: Mr. Fiala
 Nays: None

Motion Carried: TABLED

Willoughby-Eastlake Bd. of Education (Career Academy) Lot Consolidations
Lot #1 PPN-27-A-023-J-00-033-0 (+)
Lot #2 PPN-27-A-023-J-00-052-0 (+)

No one was present to represent this application.

Mr. Cox moved to table the application for the Willoughby-Eastlake Career Academy and Mr. Mitchell seconded.

ROLL CALL: Yeas: Mr. Mitchell; Mr. Kary; Mr. Cox; Chairman Merhar
 Absent: Mr. Fiala
 Nays: None

Motion Carried: TABLED

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Kirtland Tudor Estates
Tudor Drive

**Development Plan/
Phase III-Units 1-6**

Mr. Mitchell moved to table Kirtland Tudor Estate per the applicants request and Mr. Kary seconded.

ROLL CALL: Yeas: Mr. Kary; Mr. Cox; Mr. Mitchell; Chairman Merhar
 Absent: Mr. Fiala
 Nays: None

Motion Carried: TABLED

Willoughby Brewing Company
4057 Erie St.
(Jeremy Van Horn)

Amend Conditional Use Permit

Mrs. Grinstead read into record the current Conditional Use Permit date April 14, 2011 (attachment). Mr. Van Horn is representing his application. Mr. Van Horn would like to extend the hours of use for his outdoor speakers. They have an enclosed patio and a separate outdoor patio. He would like to offer his clientele conversational level music. He would like his music offering extended past 10:00 p.m. Chairman Merhar asked Mr. Van Horn if he was aware of the amendment passed for Brim Kitchen & Brewery and Mr. Van Horn stated he did not know the full details. He then asked Mr. Van Horn if he understood what changes are under discussion for the city's zoning code. Mr. Van Horn stately yes vaguely. Chairman Merhar stated he would hesitate to go beyond what was authorized for Brim, but it can be discussed further. Brim was brought in line with what is anticipated to be the zoning changes when they are finalized and become ordinances. Mr. Kary stated he was not at the meeting for Brim's CUP, but understands that Brim was granted live music on their outdoor patio. Mr. Kary stated that Mr. Van Horn did not want any live music, only speaker music from an internal sound source to the outside speakers. Mr. Van Horn reiterated only two, 8" speakers and one 10" speaker on the outside patios. Mr. Kary asked if when they have a live band are those external speaker utilized and Mr. Van Horn stated no. Mr. Van Horn stated the live bands are inside. Mr. Mitchell being new to the Board is unaware of Brim's amendment to the CUP. Mrs. Grinstead read the amended portion of the CUP that was approved April 27, 2017: "**Amendment: Allow live acoustical music on outdoor 2nd floor patio at conversational level, weekdays until 10:00 p.m. and Thursday, Friday and Saturday until midnight. This amendment shall terminate one year from the date of issuance. (terminates 4-27-18)*". The current proposal for change is similar and reflects in this amendment. Chairman Merhar asked Mr. Van Horn if he would be willing to adapt to the same days and hours as Brim's CUP and Mr. Van Horn stated yes, he would be appreciative. Chairman Merhar proposed the Board put this condition in with a one year expiration date because in one year the new zoning code changes would be in effect and he would be in conformance with the new ordinances. Mr. Van Horn was confused between his enclosed patio that opens up and his actual outdoor patio and asked if those

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conditions remain the same and Chairman Merhar stated yes. The outdoor enclosed patio can be opened up. Mr. Kary asked when the windows are open can the speakers be heard outdoors. Mr. Van Horn stated yes but very minimal. He also hires the Willoughby Police Department every Saturday and asks questions to make sure he's abiding by the law. There was some discussion on this subject. Mr. Van Horn stated he has also hired another security staff member based on a previous recommendation from Mr. Fiala. Chairman Merhar stated that the Willoughby Brewing Company's existing CUP already allows for low background music until 10:00 p.m. If they approved this, then they would just be allowing it Thursday, Friday and Saturday nights until midnight and Mr. Van Horn agreed. Mr. Mitchell asked why would you allow Thursday. Chairman Merhar stated everybody considers Thursday part of the weekend. Mr. Mitchell stated that his concern is for the neighbors with children who have to get up for school Friday morning. Chairman Merhar stated if that is how the Board feels then it would have to be addressed as part of the zoning review because that is not what was previously discussed. Mr. Cox stated that Mr. Patt said that the downtown business group Mr. Patt is representing may come up with something that might work with the downtown area. He wondered why we would pass something until we have given them an opportunity to come back with something. Chairman Merhar responded that is why he suggested putting an expiration date of one year. At that point if whatever the Willoughby group and the city decide for the ordinances, once it expires, it will have to conform to the new ordinance(s). Mr. Van Horn agreed to conversational level music, no acoustic music, no live bands or DJ's on the outdoor patios.

Mr. Mitchell moved amend the Willoughby Brewing Company's Conditional Use Permit in part #2 of the amended conditions to allow outside speakers using conversational level music until 10:00 p.m. Sunday through Wednesday; until midnight or 12:00 a.m., Thursday through Saturday with a limitation that amendment terminates one year from the date of issuance and Mr. Kary seconded.

ROLL CALL: Yeas: Mr. Kary; Mr. Cox; Mr. Mitchell; Chairman Merhar
 Absent: Mr. Fiala
 Nays: None

Motion Carried: APPROVED

Planning Commission

Nominate Vice Chairman


Mr. Cox moved to nominate Mr. Kary for Vice Chairman; Mr. Kary accepted the nomination and Mr. Mitchell seconded. There were no more nominations. Nominations were closed.

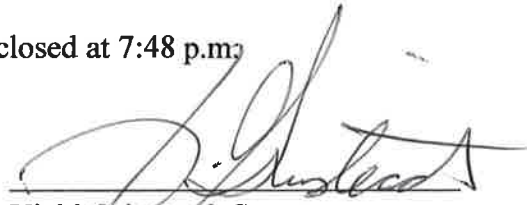
ROLL CALL: Yeas: Mr. Kary; Mr. Cox; Mr. Mitchell; Chairman Merhar
 Absent: Mr. Fiala
 Nays: None

Motion Carried: APPROVED

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There being no further business the regular meeting closed at 7:48 p.m.


Gerald Merhar, Chairman


Vicki Grinstead, Secretary

Previous

CONDITIONAL USE PERMIT

A Conditional Use Permit is hereby granted to:

WILLOUGHBY BREWING COMPANY

Effective as of April 14, 2011 for the following described premises:

**4057 ERIE STREET
WILLOUGHBY, OHIO 44094**

Said permit is granted for said above described premises, and is to be used for:

EXPANSION OF OUTDOOR PATIO

Subject to the following conditions:

AMENDED CONDITIONS:

1. Hours of operation:
 11:00 a.m. until 11:00 p.m. during week.
 11:00 a.m. until 2:00 a.m. on weekends.
2. Outside speakers are permitted using low background music until 10:00 p.m.
3. Outside live music is not permitted.
4. An outside bar is permitted.

Violation of any of the aforesaid conditions by the holder, or any use of the aforesaid described premises, contrary to any Ordinance, Rule or Regulation of the City of Willoughby, Ohio, applicable thereto shall be grounds for revocation or suspension of this permit.

PLANNING COMMISSION
CITY OF WILLOUGHBY, OHIO

C O P Y

Vice Chairman Arnell A. Mikes
 Secretary Betty A. Hardill
Richard A. [Signature]
 Chief Building & Zoning Inspector