

**PLANNING COMMISSION
CITY OF WILLOUGHBY
DECEMBER 14, 2017
REGULAR MEETING
MINUTES**

PRESENT: Wade Mitchell; R. Fiala; K. Kary; G. Merhar, Chairman

ABSENT: C. Cox

OTHERS: Darryl Keller, Chief Bldg. & Zoning Official; Mike Germano, Asst. Law Director;
Jim Sayles, City Engineer; Vicki Grinstead, Secretary

Chairman Merhar called the regular meeting to order at 7:08 p.m.

MINUTES

Public Hearing Meeting Minutes

November 9, 2017

Mr. Kary stated there was an error in regard to Mr. Patt's name in the Public Hearing Meeting Minutes which Mrs. Grinstead will correct.

Mr. Mitchell moved to approve the Public Hearing Meeting Minutes with the amendment for November 9, 2017 as submitted and Mr. Kary seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

November 9, 2017

Mr. Fiala moved to approve the Regular Meeting Minutes for November 9, 2017 as submitted and Mr. Mitchell seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

None

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NEW BUSINESS

Parkside Church

3961 Kirtland Rd.

(Rep.-Bill Doty, William Doty Architects, LLC)

Conditional Use Permit (CUP)

Mr. Bill Doty is the architect and will be representing Parkside Church; joining him today is Mike Bowerman, Project Manager for Parkside Church and Pastor Scott Kennedy.

Mr. Doty stated they are going to renovate the existing church and add an addition as well. He showed the Board the existing floor plan and explained it meets most of their needs except for the worship space. The current sanctuary holds approximately 200 seats which is not large enough. They will remove the existing sanctuary space and build a larger space. The new sanctuary will accommodate 465 seats. They will also add more restrooms and renovate the fellowship space. There will be repurposed classrooms and office spaces. There currently are 110 parking spaces which they will expand to 193.

They will have underground storm water storage and management and have hired a civil engineer to do a preliminary study on storm water run-off. The existing storm water sewers are not adequate so they would put the complete system in and then install the pavement. There will be underground detention and a small surface retention basin for storm water quality.

The existing building has a vertical yellow siding which will be removed and replaced to give it a New England character. The siding color will be a soft gray color with white trim and a stone base. They will match the new shingles with the shingles on the existing building. It will have scissor trusses and will have a cathedral look on the interior. The purchase of the land has not been completed yet and they are still pricing out different options for the exterior such as horizontal clap board vinyl siding. Mr. Kary asked if they will landscape and Mr. Doty stated yes and believed he submitted it with the Development Plan.

Mr. Kary asked where the dumpster will be located. Chairman Merhar asked if there is a fenced in area with a dumpster and Mr. Doty stated not at this time. They have two locations where they would like to put a dumpster (showed Board on rendering) and it will either be enclosed with a fence or masonry. Mr. Fiala asked Mr. Keller to review the landscape plan and finishes.

Chairman Merhar asked about their hours of operation. Pastor Kennedy stated the hours of operation will be 24 hours, 7 days a week. Mr. Keller stated it may be irrelevant but they would require fencing if they have a daycare facility or play area for children. Mr. Fiala stated the Board will exclude it from the CUP, but they can amend it in the future if the need arises.

Mr. Mitchell moved to approve the Conditional Use Permit (CUP) for Parkside Church, 3961 Kirtland Rd., with hours of operation being 24 hours/7 days a week and the dumpster will be located in rear of property and fenced in and specifically excluding playground(s) or any kind of daycare facility; and with the stipulation that material samples and landscape plans are also submitted and Mr. Kary seconded.

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

Motion Carried: APPROVED

**Coach House Restaurant
4145 S.R. 306
(George Koustis, Owner)**

**Conditional Use Permit (CUP)
Restaurant/Tavern**

Mr. Koustis, Owner of Coach House, 4145 S.R. 306, Willoughby, OH is representing his application. Mr. Koustis stated his hours of operation will be from 8:00 a.m. until 1:00 a.m. 7 days a week. The dumpster is enclosed by a board-on-board fence behind the building. The music will be in the lounge area only, no live bands or outdoor piped in music. There was some discussion on the attached hotel.

Mr. Kary moved to approve the Conditional Use Permit for Coach House Restaurant, 4145 S.R. 306 with hours of operation being 8:00 a.m. until 1:00 a.m. 7 days a week and no outdoor or live music permitted and Mr. Fiala seconded.

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

Motion Carried: APPROVED

**Barrio
4061 Erie St.
(Sean Fairbairn, Owner)**

**Conditional Use Permit (CUP)
Restaurant/Tavern**

Mr. Fairbairn, Owner of Barrio, 4061 Erie St., Willoughby OH is representing his application. Mr. Fairbairn stated his hours of operation will be from 9:00 a.m. until 3:00 a.m. 7 days a week. They will have music piped in at a conversational level indoors and on the outdoor patio as well. There will be no live music (bands or DJs). They share a dumpster with Nickelby's and Willoughby Brewing Co. The dumpster is located behind Nickelby's and is enclosed. They have a soft opening date of January 14, 2018 and open to the public date of January 15, 2018. Mr. Mitchell asked if the hours he quoted will be acceptable even on Cinco DeMayo and Mr. Fairbairn stated yes.

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Mr. Fiala stated there has been an issue in the city with a restaurant pressure washing their range hood at 3:00 a.m. and stated any exterior maintenance must be done during normal business hours.

Mr. Keller asked Mr. Fairbairn if he had applied for signage for the new restaurant. Mr. Fairbairn stated he received Mr. Keller's letter and the sign company, who already installed the awning, will be in to fill out the applications tomorrow for sign permits. Mr. Keller stated he would have to go before the Design Review Board for his signage.

Mr. Mitchell moved to approve the Conditional Use Permit (CUP) for Barrio, 4061 Erie St. with hours of operation from 9:00 a.m. until 3:00 a.m., 7 days a week and to allow only piped in music on outdoor patio at a conversational level and to use a shared dumpster with Nickelby's and the Willoughby Brewing Company; also any cleaning operations that generate noise must be done during normal business hours and Mr. Kary seconded.

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

Motion Carried: APPROVED

Greenleaf Gardens, LLC
30841 Euclid Ave.
(Dave Neundorfer, CEO)
Oscar Hackett, CFO

Development Plan/EAS

Mr. Dave Neundorfer, 3350 Maynard Rd., Shaker Hts. OH, is part owner and CEO of Greenleaf Gardens and is representing his application.

Kevin Oliver, Oliver Architecture, 3045 Meadowbrook Blvd., Cleveland Hts. OH is the architect for the project. The new facility will be on an approximately four and a half acre site with an existing building up front. They are proposing a new cultivation facility in the rear of the lot. They will be utilizing the existing curb cuts and are proposing a new drive, new parking to accommodate the new facility and the associated utilities, including storm water management etc. It is a single-story building with approximately 24,000 s.f. of growing/cultivation area with the balance of it being packing, production and shipping.

The exterior is mainly greenhouse in nature. The lower portion of the building is opaque with

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polycarbonate translucent panels above and a series of shading devices integral to the building that maintain growing conditions. The openings are limited, at grade, to one point of entrance for employees and the other access and man doors are exit doors for emergency use only.

Chairman Merhar inquired about security. Mr. Oliver stated there are several layers of security from intrusion prevention and detection to video security systems that cover the entire facility, inside and out, to provide 24/7 surveillance. The fire protection system in the building is above and beyond what is typically required in terms of alarms and monitoring, as well as access control for employees. There are a series of “rules” for someone that is not an employee. There is a very small area that is accessible to someone that is not escorted. There are areas that are employees only and other areas in which only certain employees have access to; and those areas have either a card reader system, a keypad, or a biometric lock of some sort, essentially creating an audit trail from entry to exit. The same goes for the product, where it is stored and those are the heightened security areas where it is disposed of. The packaging and shipping areas are secured as well. There is an abundance of security and he believes the facility will be obscure. The roof and siding are a polycarbonate material of varying densities.

Mr. Mitchell asked if the operation was a Level 1 or Level 2 cultivation facility. Mr. Neundorfer stated it is a Level 1 facility and they would be applying for 25,000 s.f. of grow area. He explained that the licenses were awarded a few weeks ago and their team was awarded the number 13th spot out of 12 licenses; however, they have reason to believe there may be some “shuffling” of the top 12 award winners. If there happens to be a disqualification they may move up in rank to be awarded a license, so they are before the Board to discuss their plans. They will not break ground until they have a state approved license, which could take several weeks.

Mr. Mitchell asked about the setback requirements for a Level 1 grow facility. Mr. Neundorfer stated the 500 ft. setback would be from churches, schools, parks, and rehab centers. Mr. Mitchell asked if this included residences and Mr. Neundorfer stated it does not.

Mr. Kary stated that there are three locations listed to the Greenleaf Gardens brand and asked if these were the three options where they could build this facility or will they have three facilities in each of these communities. Mr. Neundorfer stated they did not know where the state would like the facility to be located so they chose an urban, a suburban and a rural candidate (Akron, Willoughby and Middlefield Twp.). If they are awarded a license they will have ten days to decide and let the state know where they will operate this business. Their top choice is Willoughby because several of them have connections to or businesses in the city. He stated they had to submit site specific plans, including maps that showed they were meeting the 500 ft. setback requirement from restricted properties, for each community as part of the application

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process and all three of them were approved.

Mr. Fiala asked if a Level 1 and Level 2 facility can be located in the same city and Mr. Neundorfer stated there are no restrictions on that. The difference between a Level 1 and Level 2 facility is the size. A Level 2 has 3,000 s.f. of grow area and a Level 1 has 25,000 s.f.

Mr. Kary stated that at the Council meeting he recalled hearing that there will also be a processing facility on Hamann Parkway in addition to this grow facility. Mr. Neundorfer stated yes there are three licenses: the cultivation license, the processing license and a dispensary license, which Willoughby currently has a moratorium on. They have an option to lease the former Ericsson headquarters on Hamann Parkway which is 24,000 s.f. This location would house their headquarters and manufacturing where they would extract the key elements from the flower. Their graphic design, digital marketing, administration and executive teams would also reside there.

Chairman Merhar asked if they will market this under Greenleaf Gardens, LLC. Mr. Neundorfer stated they will do business under different names. Currently they are doing business as (dba) Greenleaf Gardens, but as they are awarded each license that may change. At the cultivation level they are dba as Greenleaf Gardens; at the processing level they are dba Greenleaf Therapeutics and at the dispensary level they will dba Greenleaf Apothecaries. They have applied for dispensaries in Cleveland, Akron, Canton, Wickliffe and Columbus. They may change the brands of each business because there will be twelve Level 1 growers, forty processing licenses and sixty dispensaries and would like to distinguish each level of the business and they would also not want to sell under a name that would be seen as competitive.

They will be branding, labeling, and packaging product to sell to other dispensaries. They have a medical advisory board of eight doctors with expertise in each of the qualifying conditions that Ohio has approved.

Mr. Mitchell asked if there will be any processing at this facility. Mr. Neundorfer stated there will be some immediate drying and trimming of the flower material before it is packaged and shipped to the processing facility where the key elements are extracted.

Chairman Merhar asked what will happen to the trimmings. Mr. John Nelson, Director of Cultivation, 2146 Jacoby Rd., Copley Oh. Mr. Nelson stated he will use any excess plant material and compost it and reuse it in the soil, so there will be virtually no plant material waste. Some of the material will contain some essential ingredients and can also be sent to the processing plant to be extracted. Chairman Merhar stated other than going to the processing center, no trimmings will leave the building and Mr. Nelson stated that was correct.

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Mr. Oscar Hackett, Chief Financial Officer/Chief Compliance Officer, 9367 Smith Rd., Waite Hill, OH. Mr. Hackett stated for secure disposal there are ways to treat the trimmings and deactivate the ingredients either through controlled combustion or soaking them in a chemical substance that will render them inert.

Mr. Kary asked about the people involved with this venture. Mr. Neundorfer stated they have eleven investors and have raised capital to fund the project and are up and running as a business. They have two full time employees Jonathon and Kathryn that are Directors of Relations. Mr. Neundorfer stated he owns a software company in Cleveland and has raised venture capital and has done business development and had no experience in growing, processing or distributing medical marijuana, so they found experienced partners. One of the partners is based in Colorado (Shift Cannabis) and they operate over thirty cannabis related business across seven states.

Mr. Kary stated that the cities these partners are involved in must have city ordinances and laws that have been put in place to control this type of business. Mr. Neundorfer stated it more common to have state level controls and regulations verses local level controls. Mr. Kary stated he researched some other city's ordinances on this type of business and they seem rather dramatic. Mr. Neundorfer stated they have not started that type of project on city level as of yet. The state level requirements are quite stringent in terms of security expectations.

Mr. Fiala asked if they would be willing to work with the city and Mr. Neundorfer stated their goal is to be a partner with the city and they have no problem working with the City of Willoughby. Mr. Fiala stated they mentioned at this point they will not be opening a dispensary in Willoughby and Mr. Neundorfer agreed. Mr. Fiala stated he acknowledged earlier that the city has a moratorium on dispensaries and the new Zoning Code, which will be adopted soon, will exclude dispensaries. He asked Mr. Neundorfer if he had any objections to this. Mr. Neundorfer stated they appreciate and support that decision.

Mr. Fiala asked if the Department of Commerce has inspection programs and who will monitor this business. Mr. Hackett stated yes the Department of Commerce has an enforcement branch to whom they will be reporting. There is an inventory tracking system that is state mandated (called Seed to Sale) and they need to register any activity such as growing, selling, disposing etc. in this tracking system. All employees will go through background screening and attend a state approved employee training program and will receive a state certified employee card that will be registered with the state. They also need to report all sales and any security incidents to the state (e.g.-power out and cameras are down) immediately.

Mr. Fiala asked who monitors quality control on the product. The state is separately licensing lab testing facilities to test the product. An entity that has a cultivation processing license cannot own a lab testing facility. These are third party state registered and licensed testing facilities to whom they will send a

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sample of each “harvest” on the cultivation side and any extracted product batch on the processing side. They plan to work closely with the police and fire departments to make sure they are within the required protocols.

Mr. Fiala reiterated his concern of the unknown with this type of business and asked again if they would work with the city to be instrumental in developing a city wide ordinance for this type of business. Mr. Hackett stated they have Regulatory Council, Tom Herron and he could help or find someone who can help develop these ordinances or provide some guidance. Their partner, Shift Cannabis, has been to many of these meetings and could reach out to their municipal leaders and provide guidance to the City of Willoughby.

Mr. Fiala inquired about the original schedule they submitted to the State of Ohio which looked aggressive. Mr. Hackett explained when they submitted for the license the original expectation that was set by the state was that these licenses would be awarded at the end of August, 2017, but they were not granted until the middle of November. They will actually have nine months from the time of receipt of the provisional license to apply for an operational license. The schedule is more duration specific than date specific.

Mr. Kary asked when the Eastlake cultivation facility will be operational. Mr. Hackett stated the whole program is scheduled to begin in September of 2018 and his expectation is that their team is planning on obtaining their operational license by August. Mr. Kary asked if the current lawsuit will affect any of the awards and Mr. Hackett replied that it should not affect any of the top 10 teams.

Mr. Fiala asked since they challenged several other growers in terms of their submissions, do they have any idea of a time frame for the state to review these challenges and respond. Mr. Neundorfer said the state acknowledged problems with two of the applications and they are not at liberty to say when this problem will be corrected, but they did confirm they have begun an investigation.

Mr. Fiala asked Mr. Germano that in the event Greenleaf’s development plan is approved but they do not receive a license can another grower take over the facility or is this an applicant specific site review. Mr. Germano stated it is a permitted use, but it would go case by case to be reviewed by the Board and each discussion would stand on its own.

Mr. Neundorfer stated all 109 applicants have already picked out their specific sites and the city would already be aware if there were other applicants and it is too late for them to change the location for these facilities. Mr. Fiala asked if they have any intention of doing a Level 2 facility and Mr. Neundorfer stated no. Mr. Hackett stated you can have a Level 1 and Level 2 license at the same time.

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Mr. Fiala asked if there will be a certificate posted showing the state approval of this facility. Mr. Hackett stated yes and it is to be renewed annually. There was a brief discussion on the materials used on the facility and Mr. Oliver showed and explained to the Board on the rendering.

Catherine Ols, 2146 Jacoby Rd., Copley, OH, Director of Community Relations, Greenleaf Gardens, LLC. Ms. Ols stated that the building will have translucent panels and the remaining space is warehouse space (showed Board on rendering). The translucent panels will only be around the cultivation area. Mr. Fiala stated that translucent means obscure glass, it will let light in but you cannot see through it. Mr. Neundorfer stated they will have over 10 ft. of opaque steel. Mr. Fiala stated the plan they are looking at shows brick masonry. They can bring updated plans and material samples to next meeting. Mr. Kary asked for clarification on what they are approving. Mr. Germano stated this is a permitted use. It can be tabled to request more information such as samples, updated drawings etc.

Ms. Ols stated she also reached out to the Willoughby Police and Fire Departments to meet with their security team and review their security plans. This meeting will take place in the near future.

Mr. Fiala asked Mr. Neundorfer if he would be comfortable with a contingent approval until the city can obtain more information and Mr. Neundorfer agreed and would be comfortable to begin working on a city specific plan. Mr. Kary does not feel comfortable approving this with a new Mayor and several new Council members being sworn in January 2, 2018 and he does not want to decide something they will not be happy with.

Mr. Fiala said this would give Greenleaf Garden time to confirm their approval and also would allow the city time to write a code that everyone is collectively comfortable with; then the final approvals of exteriors and materials can be approved. Mr. Fiala asked Mr. Mitchell if he was ok with this.

Mr. Mitchell stated his has personal philosophical issues with this. When he was commissioned in the United States Coast Guard he took an oath to uphold the constitution of the laws of the United States of America and he has never been absolved of that oath. He cannot support this because it is still against federal law. Mr. Fiala stated the Board can table this application or vote contingent. Mr. Kary stated if the Board is to table this, it does not mean they are saying no but it would allow the new administration time to review and discuss this application and the decision would not rest solely on the Planning Commission Board.

Mr. Neundorfer stated if there was some sort of contingency it would show his team it would be worth their time and effort to invest in Willoughby.

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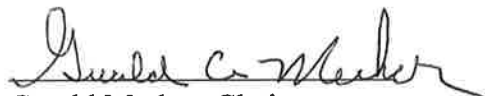
Mr. Hackett asked when the next meeting would be because if the state awards them a license they will have 10 days to choose their location and also they would need time to prepare and bring all the needed plans, materials etc. Mr. Fiala stated they can do a Work Session or a Special Meeting since the next meeting is not until January 11, 2018. Mr. Fiala asked Mr. Neundorfer to contact Mrs. Grinstead to check on dates for a Work Session or Special Meeting that would work for everyone involved. He also asked if there is any update on the status of their licensing to please notify the city immediately and Mr. Neundorfer agreed.

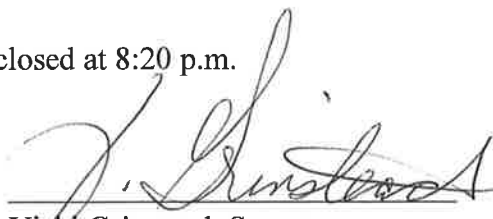
Mr. Kary moved to table the Greenleaf Garden, LLC Development Plan/EAS and Mr. Fiala seconded.

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

Motion Carried: TABLED

There being no further business the regular meeting closed at 8:20 p.m.


Gerald Merhar, Chairman


Vicki Grinstead, Secretary