

**PLANNING COMMISSION
CITY OF WILLOUGHBY
WORK SESSION
MARCH 14, 2019
WORK SESSION MEETING
MINUTES**

PRESENT: S. Norris; C. Cox; Jodi McCue; K. Kary; M. Wildermuth Chairman

ABSENT: None

OTHERS: Michael Lucas, Law Director, Michael Germano, Asst. Law Director; Mayor Fiala, Jim Sayles, City Engineer; Darryl Keller; Chief Bldg. & Zoning Official

Chairman Wildermuth called the work session meeting to order at 6:03 p.m.

DISCUSSION

**Mayor Fiala and
Michael Lucas, Law Director**

**Legal overview of Planning
Commission**

Mr. Lucas said this meeting is an overview of parameters that historically come before the Planning Commission.

The meeting is controlled by the agenda and the documentation within the agenda. The Board members should read all of the documentation provided before each meeting. The Chairman always controls the meeting. All of the questions from the podium should be directed toward the Chairman and not the audience. Meetings can get out of hand and the secretary has difficulty transcribing the minutes.

Mr. Lucas said there is always a Councilperson on Planning Commission as a representative or liaison between City Council and the Planning Commission. This person is crucial to informing the Council of "hot button" issues that they may or may not be aware of. Also he can inform Planning Commission about issues that Council has that may not have been addressed, on a specific topic, by the Planning Commission. There was an example discussed in regard to the Ridgewood Greens Subdivision.

When a final plat comes before Council it is either approved or disapproved. They cannot, at this point, add conditions. There was more discussion on the Ridgewood Greens approval.

Conditional Use Permit (CUP) (C.O. 1109.05) has impacts on a community or area involved that would not in of itself warrant having it as a prohibited use or as a permitted use. A conditional use means there are conditions imposed. C.O. 1109.05 deals with general criteria and is an item within the comprehensive plan. C.O. 1155 deals with specifics uses for conditional use. C.O. 1155.02 deals with general perimeters. C.O. 1155.03(.04, .05, .06 and .07) deal with the specific use components that give you specific fact sensitive conditions in which the Planning Commission can impose and Mr. Lucas sited a few examples.

When can a Conditional Use be rejected by the Planning Commission. If the applicant meets all the general and specific criteria under the ordinances, then it should be granted. If rejecting a CUP, the

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Board should establish and sustain evidence as to why they are rejecting a CUP and the vote should not be based on the public stating they just do not want it. Many CUPs are brought to court. Traffic is a major point of contention when a new development is being proposed; unless it will cause accidents the court understands traffic will increase and takes that under advisement. Planning Commission can ask for additional information or expert witnesses to be brought forth to obtain more facts. They can also ask for a traffic study for a development or consult the City Engineer.

The Planning Commission can also impose limitations on certain CUPs. (E.g.- we want this to be reviewed and subject to renewal within a year; at which time we may agree to continue or discontinue it.) It is in the code that you can put durations on conditions. Each CUP should be evaluated individually unless there is an identical set of circumstances, which is rare. There are no precedents and everything is fact sensitive.

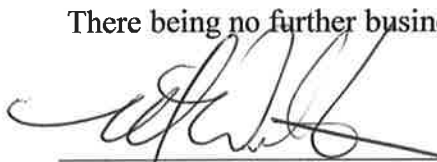
Development Plans (C.O. 1109.04) The Planning Commission, if they deem necessary, may ask for additional information. They can also impose conditions such as yard layout, open space arrangement, on-site control access to streets and landscaping to protect and improve the surrounding areas.

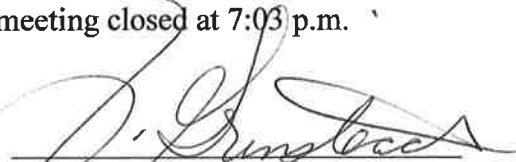
Environmental Assessment Statement (EAS). The EAS committee reviews the EAS and sends the report to Planning Commission. The Planning Commission looks at this report as part of the Development Plans and recommends it back to Council for final approval. The EAS is a tool to assist the Planning Commission in the approval or recommendation to Council of a Development Plan or major subdivision etc.

Conditions or circumstances on abstention. There are two components of abstention; there is an appearance of conflict or an actual conflict. If there is a conflict you should recuse yourself. Mr. Lucas gave an example of appearance of conflict. Roberts Rules states the abstention goes with the majority vote. There has to be a reason for the abstention. You cannot abstain just because you do not want to vote or make a hard decision.

Minutes. If you have reviewed the agenda and minutes you can vote on minutes even if you were not present at that meeting. You can abstain if you were not able to review the minutes. The minutes can be moved to the next agenda if there are not enough voting members.

There being no further business the Work Session meeting closed at 7:03 p.m.


Mike Wildermuth, Chairman


Vicki Grinstead, Secretary