

**PLANNING COMMISSION
CITY OF WILLOUGHBY
APRIL 12, 2018
REGULAR MEETING
MINUTES**

PRESENT: C. Cox; M. Wildermuth; K. Kary; G. Merhar, Chairman

ABSENT: S. Norris

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 7:12 p.m.

MINUTES

Public Hearing Meeting Minutes

March 22, 2018

Mr. Kary moved to approve the Public Hearing Meeting Minutes for March 22, 2018 as submitted and Mr. Cox seconded.

ROLL CALL:

Yeas:	Mr. Wildermuth; Mr. Kary; Mr. Cox
Abstain:	G. Merhar, Chairman
Absent:	Dr. Norris
Nays:	None

Motion Carried: APPROVED

Regular Meeting Minutes

March 22, 2018

Mr. Kary moved to approve the Regular Meeting Minutes for March 22, 2018 as submitted and Mr. Cox seconded.

ROLL CALL:

Yeas:	Mr. Kary; Mr. Cox; Mr. Wildermuth
Abstain:	G. Merhar, Chairman
Absent:	Dr. Norris
Nays:	None

Motion Carried: APPROVED

**Planning Commission
City of Willoughby
Regular Meeting Minutes
March 22, 2018**

OLD BUSINESS

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

ROLL CALL: Yeas: Mr. Cox; Mr. Kary; Mr. Wildermuth; G. Merhar, Chairman
 Absent: Dr. Norris
 Nays: None

Motion Carried: UNTABLED

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

Development Plan/EAS

This item remains tabled.

Franklyn Development Co.
(Rep.-Russell Berzin)

Major Subdivision/Preliminary Plans

Mr. Russ Berzin of Franklyn Development Co., 2775 Bishop Rd., Willoughby Hills, OH 44092 is representing his plat for a major subdivision with seven homes near Johnnycake Ridge Rd. as part of the Johnnycake Ridge Golf Course redevelopment plan.

Mr. Berzin stated this plan is different from the last one presented at the previous meeting. Lots one and two have been revised to fit into the city's R-60 zoning. He stated he will need to go before the Board of Zoning Appeals (BZA) to request front and rear setback variances for these two lots.

Mr. Sayles stated the sanitary sewers will be connected to the Lake County Utilities sanitary sewer system. He stated the preliminary plan shows the sewer heading toward Rt. 84 where there is not a sewer and if it's tying into Mentor it should show it going north toward Mentor Ave. Mr. Berzin agreed and they will take the sewer up toward Mentor Ave.

Mr. Kary asked if the street will be public or private and Mr. Berzin stated it will be a dedicated public street. The snow removal of this portion of the street will be discussed between Mentor and Willoughby's Public Service Directors.

**Planning Commission
City of Willoughby
Regular Meeting Minutes
April 12, 2018**

Mr. Sayles stated the Lake County Dept. of Utilities controls the water system in Willoughby and this portion of the subdivision, but the rest of the subdivision will be connected to Aqua Ohio. Mr. Berzin will talk to those two entities to decide which company will handle the water system. The storm water will flow into the retention basin built by the City of Mentor.

Mr. Germano stated the Board can approve the preliminary plat contingent upon the Board of Zoning Appeals (BZA) approval. If the BZA does not approve the variances for the two lots the approval for the plat cannot move forward. If the BZA does approve the variances then they will have to come back to the Planning Commission for the final plat approval.

Mr. Sayles said they submitted a warrant analysis for a traffic signal on Rt. 84 which is not warranted; however, they did caution that there is a potential limited sight distance issue traveling southbound out of the subdivision when making a left hand turn onto Rt. 84. There are some trees/shrubbery that will need to be trimmed back on Mr. Berzin's property. There are also some on private property and Mr. Sayles is unsure we can ask the owner of the property to trim his trees. He made the suggestion that they can also post limited distance signage.

Mr. Kary moved to approve the preliminary plans and plat/EAS for Franklyn Development Co. for the major subdivision for Johnnycake Ridge GC Development for seven homes in Willoughby, OH as submitted with the stipulation that the Board of Zoning Appeals approves the setback issues or any other variances required. Also Mr. Berzin will need to submit proof that the utilities have been clarified or agreed upon with the Lake County Dept. of Utilities and that the trees on Mr. Berzin's property are trimmed back for ease of sight distance leaving the development and Mr. Wildermuth seconded.

ROLL CALL: Yeas: Mr. Wildermuth; Mr. Kary; G. Merhar, Chairman
 Abstain: Mr. Cox
 Absent: Dr. Norris
 Nays: None

Motion Carried: APPROVED

NEW BUSINESS

Planning Commission

**Text amendment changes to repeal:
Sections 1103.03(b)140) Definition of
"Shooting Range" and Section
1155.07(m)(7) Supplemental
Regulations for Specific Uses-
Commercial, Pools, Private Country
Club-Shooting Range**

**Planning Commission
City of Willoughby
Regular Meeting Minutes
April 12, 2018**

Chairman Merhar explained that when this text is removed than if the Kirtland Country Club abandons its shooting range for a year or more they could not come back to the Planning Commission again. Mr. Germano stated it would then be a non-conforming use.

Mr. Kary, as a member of Council, is in agreement to repeal this text.

Mr. Kary moved to approve the text amendment changes to repeal Sections 1103.03(b)140) Definition of "Shooting Range" and Section 1155.07(m)(7) Supplemental Regulations for Specific Uses-Commercial, Pools, Private Country Club-Shooting Range and Mr. Wildermuth seconded.

ROLL CALL: Yeas: Mr. Cox; Mr. Kary; Mr. Wildermuth; G. Merhar, Chairman
 Absent: Dr. Norris
 Nays: None

Motion Carried: APPROVED

Tree of Life Ministry, Inc.
38600 Lakeshore Blvd.
(Rep.-John Weisenseel, Pastor)

Conditional Use Permit (CUP)

Mr. John Weisenseel, 9415 Johnnycake Ridge Rd. is the Pastor for Tree of Life Ministry, Inc. and is representing this application.

Mr. Weisenseel stated his hours of operation would be 24 hours, 7 days a week as they will have special events and prayer services. Chairman Merhar asked if he understood Mr. Figlers concerns with the possible encroachment on his properties and Mr. Weisenseel stated yes and would respect his property boundaries.

Mr. Kary asked about the fundraising elements in the letter submitted with their application. Mr. Weisenseel explained that they are a small church and would look to do fundraising as they grow their congregation. A majority of the fundraisers will be indoors. Mr. Kary wanted to reiterate that the church's outdoor activities could not encroach on Mr. Figlers properties and Mr. Weisenseel understood. He would be willing to walk the property with Mr. Figler to stake the property boundaries.

Mr. Keller stated that if the church did any outdoor sales he would have to apply for a temporary retail sales permit, which is typically good for a few days. If the event is more than a few days they would have to come back before the Planning Commission with a site plan, which would also be presented to the Fire Marshal for his approval.

There was some discussion on parking which is not an issue at this time. The church currently has a congregation of approximately 11-15 people. Mr. Keller stated there is plenty of parking for the number of seats available.

**Planning Commission
City of Willoughby
Regular Meeting Minutes
April 12, 2018**

If there is an event the church may be able to utilize the public parking at the park across the street for overflow parking as long as there is not a city event.

Chairman Merhar asked if they had a dumpster. Mr. Weisenseel stated they do not currently have one, but will be ordering a small one soon. Chairman Merhar told Mr. Weisenseel that the dumpster must be fenced in and Mr. Weisenseel agreed. Mr. Kary visited the site and there is already board-on-board fencing in place where the previous dumpster had resided.

Mr. Wildermuth moved to approve the Conditional Use Permit for a church/house of worship with the hours of operation to be 24 hours, 7 days a week, the dumpster must be fenced and the church is subject to any and all permits for any events such as outdoor yard sales etc. for the Tree of Life Ministry, Inc., 38600 Lakeshore Blvd., Willoughby, OH 44094 and Mr. Kary seconded.

ROLL CALL: Yeas: Mr. Wildermuth; Mr. Kary; Mr. Cox; G. Merhar, Chairman
 Absent: Dr. Norris
 Nays: None

Motion Carried: APPROVED

The Morehouse
4054 Erie St.
(Rep.-Jason Rice, Owner)

Conditional Use Permit (CUP)

Mr. Wildermuth tabled this application per the applicants request and Mr. Kary seconded.

ROLL CALL: Yeas: Mr. Kary; Mr. Cox; Mr. Wildermuth; G. Merhar, Chairman
 Absent: Dr. Norris
 Nays: None

Motion Carried: TABLED

Planning Commission

**Election – 2018
Chairman
Vice Chairman
Secretary**

Chairman Merhar stated there was not a quorum to vote on the Planning Commission officers, so they will remain on the agenda until all members of the Board are present.

**Planning Commission
City of Willoughby
Regular Meeting Minutes
April 12, 2018**

DISCUSSION

Planning Commission

**Architectural heights in Downtown
Willoughby**

Chairman Merhar stated that Mayor Fiala sent information to the Planning Commission (P/C) to discuss the height of buildings in the downtown area. The current ordinance allows for the height of a building in downtown Willoughby to be up to 50' in height. He believes the highest building in downtown currently is 35'. Chairman Merhar asked Mrs. Grinstead to read Mayor's Fiala's comments on amending the city's ordinance in regard to this issue. Chairman Merhar and Mr. Kary agreed with the Mayor's comments. Mr. Kary also suggested that Council and P/C get together as soon as possible to finish the zoning code updates.

Chairman Merhar stated the change should be for the areas the Mayor marked in red on the rendering submitted up to a 35' maximum height without having to come before Planning Commission. Any application request above the 35' maximum height would have to come before Planning Commission for a Conditional Use Permit.

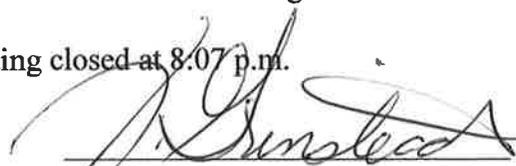
Mr. Keller read part of an ordinance stating the Planning Commission already may grant conditional use approval for a building height greater than permitted in this section according to CUP procedure set forth...etc. He stated all they would need to do is change all of the items indicated in red on the map in Sub District E. He went on to read C.O. 1141.13; Residential development is permitted on any and all floors of a building and new construction may occur to a maximum height of fifty (50) feet. He suggested changing the height of 50' to 35'; adding the text "unless the Planning Commission grants conditional approval". Mike Wildermuth suggested the maximum height the Planning Commission can grant would be 50'. Chairman Merhar agreed that P/C usually does have a perimeter to work within. There was more discussion on the perimeters and it was decided to leave it open for the P/C to make that decision if it represents good planning.

Mr. Germano stated there are two sections; the one Mr. Keller spoke about (C.O. 1141.13) which deals with residential development. The other is C.O. 1141.07(b) which deals exclusively with height regulations for businesses in the downtown area and clearly states: The Planning Commission may grant conditional use approval for a building having a height greater than permitted in this section, according to the conditional use procedures set forth in Section 1109.05. Chairman Merhar asked if it would be logical change it all to 35' feet with the option to increase via CUP and Mr. Keller concurred. Mr. Wildermuth suggested that 1141.13(e) match C.O. 1141.07(b) with a maximum height of 50'.

Chairman Merhar asked Mr. Germano to draft a text amendment change and Mr. Germano agreed.

There being no further business the regular meeting closed at 8:07 p.m.


G. Merhar, Chairman


Vicki Grinstead, Secretary