

**PLANNING COMMISSION
CITY OF WILLOUGHBY
NOVEMBER 9, 2023
REGULAR MEETING
MINUTES**

PRESENT: J. Cook; Ben Capelle; S. Norris, Chairman
ABSENT: Tim Lannon, City Engineer; K. Kary; M. Wildermuth
OTHERS: Stephanie Landgraf, Asst. Law Director; Larry Puskas, Chief Bldg. & Zoning Official;
Vicki Grinstead, Secretary

Chairman Norris called the regular in-person meeting to order at 7:21 p.m.

MINUTES

Public Hearing Meeting Minutes

October 26, 2023

Mr. Cook moved to approve the Planning Commission Public Hearing Meeting Minutes for October 26, 2023 as submitted and Mr. Capelle seconded.

ROLL CALL: Yeas: J. Cook; Ben Capelle; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

Regular Meeting Minutes

October 26, 2023

Mr. Cook moved to approve the Planning Commission Regular Meeting Minutes for October 26, 2023 as submitted and Mr. Capelle seconded.

ROLL CALL: Yeas: Ben Capelle; J. Cook; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

OLD BUSINESS

Tuda's Playhouse

Conditional Use Permit for Daycare

1356 Lost Nation Rd.
(Rep.- Bryoniya Bell, Owner)

No one was present to represent the Conditional Use Permit for Tuda's Playhouse, 1356 Lost Nation Rd., Willoughby, OH 44094. Chairman Norris asked if the applicant was present and for the record the applicant was not here this evening. Chairman Norris said the applicant was advised this would be permanently tabled if there was

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no one was present. Mrs. Grinstead confirmed she reached out several times with no response from the applicant via email and telephone and she did leave her a message advising her of this.

Mr. Capelle moved to untable the Conditional Use Permit for Tuda's Playhouse, 1356 Lost Nation Rd., Willoughby, OH 44094 and Mr. Cook seconded.

ROLL CALL: Yeas: J. Cook; Ben Capelle; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: UNTABLED

Mr. Cook moved to permanently table the Conditional Use Permit for Tuda's Playhouse, 1356 Lost Nation Rd., Willoughby, OH 44094 and Mr. Capelle seconded.

ROLL CALL: Yeas: Ben Capelle; J. Cook; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: PERMANENTLY TABLED

Raising Cane's
5051 SOM Center Rd.
(Rep.- Jamie Wells, OLIO Development Group)

**Conditional Use Permit for
drive thru & outdoor dining**

Mr. Wells of OLIO Development Group is representing the Conditional Use Permit for Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094.

Mr. Cook moved to untable the Conditional Use Permit for Raising Cane's, 5051 SOM Center Rd., Willoughby, OH 44094 and Mr. Capelle seconded.

ROLL CALL: Yeas: J. Cook; Ben Capelle; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: UNTABLED

Mr. Wells said they will have a dual lane drive thru with stacking capabilities of twenty-four cars which will offer good flow on the site. They are also seeking outdoor seating with sixteen seats on an approximately 600 sq. ft. patio.

Chairman Norris said Mr. Kary, who is not present this evening, sent a few notes to him but there was nothing for this item. He asked what the hours of operation are for Raising Canes. Mr. Wells said he would like 24 hours, 7

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days a week. He said the store is typically open from 10:00 a.m. until 10:00 p.m. Chairman Norris asked what they plan to do for the outdoor dining trash. Mr. Wells said there is a dumpster enclosure located on the property with two dumpsters and the trash will be emptied nightly into these dumpsters.

Mr. Capelle asked if they offered any protection for the patrons that are dining on the outdoor patio such as bollards. Mr. Wells said they have curb stops. He said they would not be opposed to adding bollards, but he would need to confer with his client. Chairman Norris said it has been Planning Commissions desire to not rely on curb stops but have a more physical barrier to protect diners. He said in the past they have had cars leave a parking area and enter the dining area. It will be a stipulation of approval that these be installed, and Mr. Wells said he did not think it would be an issue. Mr. Capelle said it does not necessarily have to be bollards but can be a knee wall or some sort of barrier to protect the outdoor diners from vehicles. The volume of the drive thru or outdoor speakers shall be conversational level. The outdoor lighting will not illuminate an area beyond this parcel. Any outdoor music shall remain at conversational level and no live music is permitted.

Mr. Capelle moved to approve the Conditional Use Permit for Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094 with the following conditions: 1) Hours of operation are 24 hours, 7 days a week, 2) Trash is to be emptied nightly into enclosed dumpster 3) Vehicular protection for outdoor dining (e.g.-bollards) be installed 4) Drive thru speakers are to be at conversational level 5) Outdoor lighting shall be contained to parcel 6) Outdoor speakers and piped in music must remain at a conversational level and no live music is permitted and Mr. Cook seconded.

ROLL CALL: Yeas: Ben Capelle; J. Cook; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

Raising Cane's
5051 SOM Center Rd.
(Rep.- Jamie Wells, OLIO Development Group)

Development Plan/EAS#13-9-23

Mr. Wells of OLIO Development Group is representing the Development Plan/EAS#13-9-23 for Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094.

Mr. Cook moved to untable the Development Plan/EAS#13-9-23 for Raising Cane's, 5051 SOM Center Rd., Willoughby, OH 44094 and Mr. Capelle seconded.

ROLL CALL: Yeas: J. Cook; Ben Capelle; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: UNTABLED

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Chairman Norris said there are only three of the five members present and asked Mr. Wells if he wished to proceed and Mr. Wells said yes.

Chairman Norris addressed the EAS. Police and Fire, no concerns. WPCC no comments, No stormwater issues, the estimated amount of traffic is noted as 150 trips ends in the peak hour, no hazardous materials used or stored on site, they are connecting to city sewers so a grease trap is required, no noise, water, air pollution concerns, no or minimal demands on the school system, Timeline, construction to be in January 2024, completion July/August 2024.

Chairman Norris addressed the development plan. Mr. Wells said the property is 1.1 acres and they plan to demo the existing structure. They have a substantial landscaping plan for the property. He noted there were several things addressed, such as parking, outdoor seating and setbacks that needed variances which they obtained from the Board of Zoning Appeals at the December 8, 2023 meeting.

Mr. Capelle asked about pedestrian access. He does not see marked pedestrian pathways to access the site from the sidewalk. Mr. Wells said they can add crosswalks and pedestrian access to the plans. He will talk to their architects to see if they can accommodate this. Mr. Capelle said it would be valuable, especially being off Rt. 91 with all the traffic coming onto the site. Chairman Norris said he believes since there are sidewalks there has to be pedestrian access per A.D.A. requirements. He suggested bringing access in where the handicap spots are located on the western side of the site and Mr. Wells agreed. Chairman Norris said the landscape plan looks nice and likes the buffering for the adjacent properties.

Chairman Norris asked if left hand traffic is allowed onto the site going southbound on SOM. Mr. Wells was unsure but said they have an ingress at the light at Kaiser Court. The egress out of the parking lot is right turn only. Chairman Norris requested they put a sign stating no left turns going southbound on SOM, so it diverts traffic to Kaiser Court. Mr. Wells said they would take care of that. The monument sign will be placed at the entrance along SOM Center Rd. Chairman Norris said in addition to the sign, for right turns only onto SOM for egress, he asked if they could add pavement markings and a right turn arrow and Mr. Wells agreed.

Mr. Cook moved to approve the Development Plan/EAS#12-9-23 for Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094 with the conditions they add 1) A.D.A. access from SOM, 2) signage and pavement markings to indicate right turn only for egress onto SOM Center Rd., 3) no left turn sign for southbound traffic onto the site from SOM Center Rd. and Mr. Capelle seconded.

ROLL CALL: Yeas: Ben Capelle; J. Cook; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

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Kirtland Tudor Estates

Stillman Lane/Tudor Dr.

(Rep.- Mike Ross, Paratto-Ross Real Estate)

**Lot split for PPN#21-A-022-0-00-029-0
into 3 parcels**

Mr. Capelle moved to untable the lot split for Kirtland Tudor Estates, PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Cook seconded.

ROLL CALL: Yeas: J. Cook; Ben Capelle; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: UNTABLED

Chairman Norris said there are only three of the five members present and asked Mr. Ross if he wished to proceed and Mr. Ross said yes.

Chairman Norris said they discussed this at the last meeting and got an overview of what the lot splits would entail. Mr. Ross said the focus should be on the corner lot labeled Parcel "C." He spoke with Law Director Lucas a few days ago and he relayed to the board that the client/declarant does have the ability to grant ingress/egress from the condo land to what will be privately owned land. He said there may be an issue with the way it is drawn with the proposed lot having and including the condo land there. There are new drawings that have been done by Polaris (in record 11-9-23, Exhibit "A") showing that being pulled out but the developer, owner and attorney are in talks with getting that land removed from the condo association so it can be gifted to these soon to be landowners.

Chairman Norris said they did receive an email from the Law Director that states in part "ingress and egress is permitted through the common areas by reserved easement rights to the Declarant." He said this seems to clear up the issue. Mr. Ross said because of time constraints if it can be approved as what was submitted with the legal description including the condo land, they could not actually file it with the tax map department until that issue was cleared up and asked if they can consider this without the condo map being included. Ms. Landgraf, Esq. asked if he is talking about splitting off this ingress/egress area from the main common area. Mr. Ross said yes, this would eventually happen but it will take some time. She asked if this would change his lot split descriptions or will it be its own separate parcel. She asked him if there is ingress/egress to Parcel "C" and Mr. Ross said yes off Tudor and Stillman. The condo land wraps around it. Chairman Norris said that is the easement rights for ingress/egress and Mr. Ross said yes. Ms. Landgraf asked what area he is trying to resolve on the latest map. Mr. Ross said the thick black line to the west, taking that down to the road on the left side and curving down to the right. This is what increased the parcel size but it goes into the condo land and it has to have unanimous owner approval. Ms. Landgraf asked if the legal is correct for Parcel "C" as it is presented. Mr. Ross said it includes the condo land and is unsure if they can approve it this evening. Ms. Landgraf said they cannot approve this lot split because they need a legal that describes only this parcel. Mr. Ross said then they could not file with the tax map department if approved tonight because they do not have the condo piece out yet and Ms. Landgraf said that is correct. Mr. Ross asked if he could get conditional approval subject to him dropping off a new legal. Chairman Norris said it will have to be reviewed by the city engineer and is contingent on the condo association vote. He said what Mr. Ross asked for was a split of all three parcels (A, B and C) and they cannot grant just one.

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Chairman Norris said he would need to reapply as new business for just this parcel with the proper legal description and map.

Ms. Landgraf suggested Mr. Ross table this application until he files the new application for just Parcel "C." Mr. Ross asked to have his application tabled.

Mr. Cook moved to table the lot split for Kirtland Tudor Estates, PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Capelle seconded.

ROLL CALL: Yeas: Ben Capelle; J. Cook; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: TABLED

NEW BUSINESS

36900 Vine Street LLC (formerly Hardee's)
36900 Vine St.
(Rep.- Jon Sines, 36900 Vine Street LLC)

**Conditional Use Permit
for drive thru & outdoor dining**

Mr. Sines of 36900 Vine Street LLC is representing the Conditional Use Permit for 36900 Vine Street LLC, 36900 Vine St., Willoughby, OH 44094.

Mr. Sines is representing Ms. Figler who did not renew Hardee's lease and the parcel is for sale. The land is currently under a purchase and sale agreement with 36900 Vine Street LLC. The project will consist of interior and exterior renovations. They intend to utilize the building in the food service industry with a drive thru and outdoor seating which adds value to the property. He understands his new tenant will have to obtain their own Conditional Use Permit. This is a request on his behalf for risk management.

Mr. Sines said the hours of operation are 24 hours, 7 days a week, the drive thru speaker and outdoor music shall be at conversational level, there will be no light pollution, the outdoor seating will have hard structure vehicular protection, there will be no live music, the outdoor seating shall not exceed 30% of the indoor occupancy, possibly twelve seats outside, the outdoor dining trash will be emptied nightly into a new enclosed dumpster at the rear of the property along Lakeland Blvd.

Chairman Norris asked Ms. Landgraf if an EAS is required with a Conditional Use Permit. Ms. Landgraf said the ordinance states an EAS is required before we can issue a Conditional Use Permit (CUP). Mr. Sines said he was advised differently but will do an EAS. Mr. Puskas said he was under the impression that because the building was existing, he did not need an EAS. Ms. Landgraf cited C.O. 1109.05(h). Chairman Norris said they can consider this as conditional until the EAS is approved by City Council per the Codified Ordinance. Mr. Sines agreed and said a new CUP will be issued after they have a tenant signed.

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Chairman Norris said there are only three of the five members present and asked Mr. Sines if he wished to proceed and Mr. Sines said yes.

Mr. Capelle suggested Mr. Sines reword no light pollution for the CUP and it was decided that it would state outdoor lighting shall be contained to parcel. Chairman Norris said the outdoor seating shall not exceed 30% of the indoor occupancy did not need to be a condition because it is required by codified ordinance and he would need to comply with that and Ms. Landgraf agreed. He noted there was a knee wall on the plans for vehicular protection. He also said this CUP will be conditioned upon the approval of the EAS.

Mr. Cook moved to approve the Conditional Use Permit for 36900 Vine Street LLC, 36900 Vine St., Willoughby, OH 44094 with the following conditions: 1) Hours of operation shall be 24 hours, 7 days a week, 2) Trash is to be emptied nightly into enclosed dumpster, 3) Vehicular protection for outdoor dining (e.g.- bollards) be installed, 4) Drive thru speakers, outdoor speakers and piped in music are to be a conversational level and no live music is permitted, 5) Outdoor lighting shall be contained to parcel, 6) This CUP is conditioned upon the approval of the Environmental Assessment Statement and Mr. Capelle seconded.

ROLL CALL: Yeas: J. Cook; Ben Capelle; S. Norris, Chairman
 Absent: K. Kary; M. Wildermuth
 Nays: None

Motion Carried: APPROVED

DISCUSSION

Joseph Conti
Hodgson Rd./PPN#27-B-052-0-00-004-0

**Rezoning from Airport District to
to R-80 for single family homes**

Mr. Conti, 2760 Loreto Dr., Willoughby Hills, OH 44094 is representing this discussion.

Mr. Conti said they were previously approved to rezone to R-60 by the Planning Commission but City Council did not approve it. He recalled they may have been waiting for a traffic report but believes they received it. He said in the mean time he decided to lower the density from R-60 and apply to rezone for R-80. Nothing has changed on the renderings except the width of the lots.

Mr. Cook asked how many homes will now fit this zoning. Mr. Conti said approximately twelve lots but he will not know for sure until they have the engineers report. They were at sixteen lots for the R-60 zoning. The driveways will all be on Hodgson Rd.

Mr. Conti said one of the requests from the fire department was that they have a turn around which they will provide so they did not have to back out onto Hodgson Rd.

Chairman Norris said Mr. Kary's note says "the opportunity to build 12 or less homes in this location would, in my opinion, out way the negatives that could evolve if the property remains zoned airport district and gets developed."

There would be a requirement of sidewalks to be installed along Hodgson. Mr. Kary would like to see all the open ditches be filled in. Mr. Conti said they previously agreed to these terms. All properties should be fenced to alleviate problems with golfers and the fence styles should be the same. Chairman Norris said this would not be the responsibly of the developer but a development mandate on the property owners. Mr. Conti asked if this would just be the back of the properties and Chairman Norris said the notes do not state such and he cannot speak to that. Mr. Kary's last request is a contribution to a traffic control solution in a dollar amount based on the number of homes. These funds will be held for a period of three years. If no plan is in place for a solution, then the funds will be returned to the developer, and lastly use the same plan created with Mr. Palmieri and his Fairway Glenn development.

Mr. Conti said he also provided an updated traffic study. Chairman Norris said Mr. Kary also suggested rear loading garages that would remove all the driveways from Hodgson. Mr. Conti said that would not work with his plan.

Former Union High School

Center St.

(Rep.- Dru Siley, Liberty Development)

Update on Development Plan

Mr. Siley of Liberty Development, 28045 Rainey Parkway, Westlake, OH is representing this discussion.

Mr. Siley presented the board with some plans and renderings (in record 11-9-23). He said they have obtained both state and federal tax credits for this project. The Union High School is now on the register of historic places. The townhome concept presented this evening is still in the development stages. Their partner is Payne and Payne builders for the construction of the fee simple townhomes. The old high school will be redesigned to accommodate forty market rate apartment units. The exterior will be renovated with all new windows, tuck pointing cleanup, significant masonry repairs to the terra cotta elements and restoration of the front door. They are working toward putting in first floor master bedrooms in the townhomes. They are looking at the overall circulation through the rear of the site, both from Center St. to Euclid Ave. Each townhome unit will have a two car garage and some units will have two car driveways. The apartment building will have forty-one parking spaces. They are being cognizant of the Center Street side in adding board and batten siding. They are still working on the Euclid side design. The apartment building will be predominantly one-bedroom and studio units with a handful of two bedroom units. The color rendering shows three consecutive units as opposed to the other rendering that shows five staggered units.

Mr. Siley explained they have to follow certain guidelines for obtaining the historical tax credits such as the secondary building, the townhomes, have to be subordinate to the primary building, which is the school building. What they ask you to do is create a difference and do not try to match the primary building. He said this is why they did not show a lot of masonry on these buildings because they would not have approved it and also plays in as to how they oriented the townhomes to the site. They also cannot obstruct the Euclid elevation of the primary building. There was more discussion as to what was required per the guidelines from State Historic Preservation Office (SHPO). On the Euclid Ave. side it is more of a commercial corridor so they may be able to add more masonry to that side.

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Chairman Norris asked about units 7-14 on the Center Street side. Mr. Siley said the interior units will be similar to what Payne and Payne constructed adjacent to city hall, which would be a 3-story look. There will be 2-story units on Center Street, 3-story units in the middle (duplexes) and the units on Euclid would also be 2-story.

Chairman Norris said he would like to see a bit more masonry on the Center Street side. The units along Euclid Ave. (units 1-6), he would like them to look more like the units across the street as far as the masonry because the downtown area has quite a bit on masonry.

Mr. Cook asked if there will be basements and Mr. Siley said yes, but the 3-story duplexes may not have basements. Mr. Capelle would like to see plans for pedestrian movement on the next submittal.

Mr. Siley said they tried to leave plenty of buffering for green space and provide places for snow removal. The units (15-19) and all units will all have 2-car garages and they are trying to also accommodate two cars in the driveways as well. He said the duplexes will most likely not have parking in front of the garages. Chairman Norris asked about units 1-6. Mr. Siley said they have not finished the design yet but at a minimum they will have a 4-car garage.

Mr. Capelle said for the apartments there is a program that may allow the tenants to get a free bus pass to help reduce the parking issues. Chairman Norris asked if they could try to provide at least two visitor parking spaces.

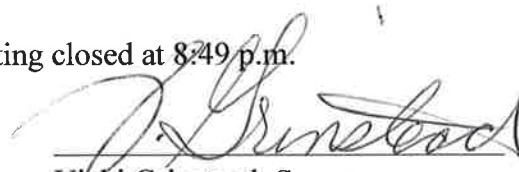
Chairman Norris said he wonders about splitting the townhome along Center St. with an entryway and it seems like a good idea but is concerned with how the fire department would feel about it. Mr. Siley said they have their engineers laying their turning templates on this so they can see what those movements look like.

Mr. Capelle asked if there will be any events in the building and Mr. Siley said no it is too hard to access the auditorium space. There may be co-working spaces/common space and a workout space for the tenants.

Mayor Fiala said the administration is excited about this project but he will leave the final design up to the Planning Commission and the Design Review Board.

There being no further business the regular meeting closed at 8:49 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary