

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

PRESENT: Ben Capelle; K. Kary; M. Wildermuth; S. Norris, Chairman
ABSENT: J. Cook
OTHERS: Tim Lannon, City Engineer; Stephanie Landgraf, Asst. Law Director;
Darryl Keller, Chief Bldg. & Zoning Official; Maria Tomaselli

Chairman Norris called the regular in-person meeting to order at 7:15 p.m.

MINUTES

Public Hearing Meeting Minutes

February 23, 2023

Mr. Wildermuth moved to approve the Planning Commission Public Hearing Meeting Minutes for February 23, 2023 and Mr. Capelle seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

February 23, 2023

Mr. Wildermuth moved to approve the Planning Commission Regular Meeting Minutes for February 23, 2023 and Mr. Capelle seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

None

NEW BUSINESS

KAVA SOL LLC
4055 Erie Street (rear)
(Rep. Lindsay Kronk, owner)

**Conditional Use Permit
for outdoor dining/patio**

Ms. Kronk, Owner of KAVA SOL LLC is representing her application for her Conditional Use Permit (CUP) for outdoor dining.

Mr. Kary said for clarity C.O. 1141.10 deals with first floor occupancy in a downtown business district corridor but all they are dealing is the CUP for the outdoor dining/patio.

Ms. Kronk said she would estimate 8-10 small bistro tables seating 2-4 people per table. Their hours of operation for the business are Mondays and Tuesdays they will be closed for now, Wednesday and Thursday 10:00 a.m. until 9:00 p.m., Fridays and Saturdays 10:00 a.m. until 10:00 p.m. and Sundays 10:00 a.m. until 4:00 p.m. She said this is a non-alcoholic establishment. They may have one speaker with ambient/acoustic music and would like to have some acoustic live music once a week, but most likely twice a month. It will be counter service only and there will be no service to the patio. It is more like a café or coffee shop. It was decided that the use of the patio hours for the CUP will be 7:00 a.m. until 10:00 p.m. Monday through Sunday.

Chairman Norris said all outdoor music, either by speaker or live must be at a conversational level. Mr. Kronk said they have not decided on lighting at this point. She said the logo is back lit and there is a little lighting in the entry area. She believes it would be bistro lighting. Mr. Kary asked if she would ok with ambient table lighting, and she said that would be fine or they could put some solar lighting in their planters.

Mr. Kary asked what they will do for the disposal of their trash. Ms. Kronk said Mr. Forker said there is a communal dumpster behind the former brewery which they can utilize. There will be no outside trash cans, and everything will be brought indoors to be disposed of.

Chairman Norris said for maintenance or cleaning of the outdoor patio and there would like no cleaning to take place from 12:00 a.m. until 6:00 a.m. He asked Mr. Keller if there are restrictions on outdoor seating. Mr. Keller said the outdoor seating should not exceed 30% of the interior seating and they are over that, but Planning Commission can approve a greater number of outdoor seating. Ms. Kronk estimated the indoor seating to be 25, so 30% of that would be 8. Chairman Norris said from the rendering submitted the indoor seating is 25 and outdoor seating is at 18. He said the outdoor seating is 72% of their indoor seating. Mr. Keller said he would like to see the board limit the outdoor seating to no greater than 25% above the occupant load, which is not shown on their application. It was determined that the outdoor seating will be 18 maximum.

Chairman Norris said there will be no parking behind the patio and Ms. Kronk said no. He asked what they will be doing to protect the patrons utilizing the outdoor patio from vehicular traffic. The guardrail along the alley way will remain as well as the wrought iron fence and the new fence will be inside the wrought iron fence. Mr. Kary said the rendering shows a knee wall not a fence. Mr. Kary recommends installing a knee wall or bollards on the east side that faces the parking lot because a wooden fence will not protect the patrons. Chairman Norris said Barrios has heavy planters that protect their patrons and Ms. Kronk agreed. Mr. Kary read Resolution 2023-21

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that city council recently approved for a moratorium on certain items such as Kava, THC etc. that will be in effect in thirty days. Ms. Kronk asked if this will affect her business and Ms. Landgraf said no.

Mr. Capelle said he wanted to add that the bollards or a knee wall should not interfere with the drainage and catch basin.

Chairman Norris recapped the conditions for the CUP: 1) Music, piped in or live shall remain at a conversational level, 2) Lighting is ambient, 3) There are no garbage receptacles, 4) No outdoor maintenance shall be performed from 12:00 a.m. through 6:00 a.m., 5) Hours of operation for the outdoor patio usage are Monday through Sunday from 7:00 a.m. until 10:00 p.m., 6) Outdoor seating is capped at eighteen, 7) Bollards or a knee wall are installed to protect diners from vehicular traffic, not to effect drainage, 8) This CUP will terminate six months from the date of the Occupancy Permit for outdoor dining.

Mr. Capelle moved to approve the Conditional Use Permit for outdoor dining for KAVA SOL LLC, 4055 Erie St. (rear), Willoughby, OH 44094 for outdoor dining with the following conditions: 1) Music, piped in or live shall remain at a conversational level, 2) Lighting is ambient, 3) There are no garbage receptacles, 4) No outdoor maintenance shall be performed from 12:00 a.m. through 6:00 a.m., 5) Hours of operation for the outdoor patio usage is Monday through Sunday from 7:00 a.m. until 10:00 p.m., 6) Outdoor seating is capped at eighteen, 7) Bollards or a knee wall are installed to protect diners from vehicular traffic, not to effect drainage, 8) This CUP will terminate six months from the date of the Occupancy Permit for outdoor dining and Mr. Wildermuth seconded.

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

Motion Carried: APPROVED

Joseph Conti
Hodgson Rd.

**Rezone/EAS#1-2-23(a) of 7.72 acres from
Airport District to R-60 for
PPN#27-B-052-0-00-004**

Mr. Conti is representing the Rezone/EAS#1-2-23(a) of 7.72 acres from Airport District to R-60 for PPN#27-B-052-0-00-004.

Chairman Norris asked Mr. Conti if he wished to proceed with only four of the five members present and Mr. Conti said yes.

Mr. Ross submitted a new sketch plat (in record 3-9-23, Exhibit "A") showing lots 1 and 2 being combined. All the lots will maintain a 60' width to the rear yard with varying depths due to the angular rear property line abutting the golf course. All lots will have an independent drive accessing Hodgson Rd. All lots will maintain a 40' minimum front yard setback as well as a rear yard and will maintain side yard setbacks pursuant to R-60 zoning.

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Mr. Ross said they are significantly reducing the hard surface from what they previously proposed. Originally, they proposed 134,000 sq. ft. of hard surface but with this new proposal they are asking for 47,000 sq. ft. of hard surface. The configuration of the property dictates the homes on the western side remain at a substantial distance allowing for retention of mature trees and shrubbery. He said throughout the span of this development a lot of these trees and shrubs will remain at the back of the property line. Some lots will be as large as three quarters of an acre. The price range for the lots will be from \$80,000-\$117,500. They have anticipated ranch options of 1,500 sq. ft., 1,800 sq. ft. and a 2,100 sq. ft. first floor master option. The homes could also be 2-story. The all-in price will be in the \$350,000-\$400,000 range.

Mr. Kary addressed the EAS. Traffic: There will be an impact on Lost Nation and Hodgson Roads. There was a traffic light warranted for this intersection before Fairway Glenn was even constructed. The reason it has not yet been done is because of the expense due to the airport and their restrictions. There is a new traffic study in place that Mr. Lannon should have done within a couple of months. Mr. Kary asked if a more comprehensive traffic study should be done other than the one submitted to the applicant for just the sixteen homes. Mr. Lannon said they are doing a more encompassing traffic study, but the sixteen homes will not be that noticeable. Sidewalks: Will be required along Hodgson Road, across the entire project. Storm water management: A study of the Hodgson Rd. sanitary system needs to take place and Mr. Lannon agreed. Mr. Lannon said it is a 1980 10" sanitary sewer which was designed for potential development. The city should televise the sewers and install meters to see what is going on. Mr. Kary asked if there will be basements in these homes and Mr. Ross said it is an option. Mr. Lannon commented that there should be high wall plumbing with grinder pumps, but he will not mandate it, but is a recommendation. Mr. Kary asked who the builder will be. Mr. Ross said most likely Chadwick Homes, not Ryan Homes. They will have one, maybe two builders for this development. Mr. Lannon said there have been flooding issues in Fairway Glenn, which is a private development with an HOA, but the city gets complaints, so this is why he is recommending high wall plumbing. He said they will need retention to meet the city code. Mr. Kary asked if a wetlands study will be done. Mr. Lannon said as part of the development they will have to show they have met Federal and State regulations. There will be a walk through or wetlands delineation. Mr. Ross said they will be working with Polaris Land Design. Police Department: No concerns, Fire Department: Greater impact on staffing for Station Two. Noise, water, air pollution: No concerns, Schools: No impact, Hazardous materials: No concerns, Project timeline: As soon as possible. Mr. Lannon noted that as part of the predevelopment they will require utility stubs to the right-of-way line for all sixteen lots. This will be done by one contractor all at once.

Mr. Kary asked who will remove the trees and Mr. Ross said if the homeowner wants a backyard, then the builder can remove the trees. Mr. Kary said the builders should be aware that may need to put up a barrier, such as a 6' privacy fence in the rear of the properties abutting Hole #2 on the golf course to avoid future issues.

Mr. Ross said there will be no homeowner's association for this development. Chairman Norris suggested the HOA be simple and the homeowner's would not have to pay an HOA fee, but rather to dictate the type and height of fencing they can install, so there is not a variety of different fences along the properties.

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Chairman Norris asked if the lots are conforming, and Mr. Keller said yes. Chairman Norris asked about density and Mr. Keller said it was not yet calculated since this is just for rezoning purposes and would be reviewed during the development plan phase.

Mr. Wildermuth said site drainage will be taken care of by the city engineer. This development will control its own water run-off and will not contribute to the already existing problems.

Mr. Wildermuth moved to approve the Rezone/EAS#1-2-23(a) of 7.72 acres from Airport District to R-60 for Joseph Conti, Hodgson Rd./PPN#27-B-052-0-00-004, Willoughby, OH 44094 as submitted and Mr. Capelle seconded.

ROLL CALL: Yeas: Ben Capelle; M. Wildermuth; S. Norris, Chairman
 Absent: J. Cook
 Nays: K. Kary

Motion Carried: APPROVED

Townhomes
Shankland Rd.
(Rep.- Greg Sommers, Sommers Dev. Group LLC)

Development Plan/EAS#17-10-22(b)
PPN#27-A-015-0-00-023-0 & 024-0
to construct 16 townhomes on 2.49 acres

Mr. Sommers asked to have his application tabled until the next Planning Commission meeting.

Mr. Wildermuth moved to table the Development Plan/EAS#17-10-22(b) for Sommers Development Group, Shankland Rd./ PPN#27-A-015-0-00-023-0 & 024-0, Willoughby, OH 44094 per the applicant's request and Mr. Capelle seconded.

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

Motion Carried: TABLED

DISCUSSION

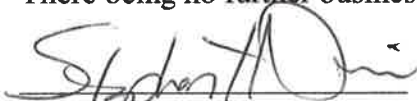
Jay Byram
3872 Erie Street
(Rep. Jay Byram, owner)

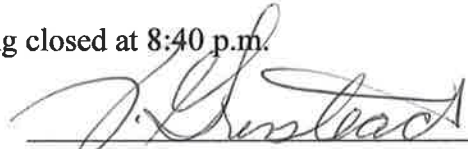
Informal discussion
Future development

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Mr. Byram said he is the owner of Willoughby Coal and Spirits in Willoughby. He would like to construct a hotel in the rear of the property behind Willoughby Coal. He said downtown Willoughby is great but then the patrons leave our city and go to a neighboring city to stay at a hotel there. He feels having a hotel in downtown Willoughby will be advantageous for guests to visit and stay. The Andrews-Osborne school and the existing apartments also bring visitors to our community. He said if they stay in downtown, they will spend money here. He has an acre and a half behind Willoughby Coal. He does not know how many rooms the hotel will be, but has been in discussions with Marous Brothers regarding this proposal. He wants to attach it to Willoughby Coal, so it looks like it belongs there. He would like to renovate the three floors in Willoughby Coal to be conference centers or something usable. He is unsure how it will be attached yet until he speaks with his architect. He is zoned General Business and can construct a 4-story Inn in this zoning district. He can accommodate 60-80 cars for the hotel. He does not believe this will impact traffic. Ms. Landgraf asked if this was Downtown Business and Mr. Bryan said he was told it was General Business. Mr. Byram said it will be a franchise hotel; he will build the building and they will manage it. Mr. Keller said this will require a variance because it is not permitted in this area and explained the process. He said one advantage to Downtown Business is there are no setback requirements, only Building Code requirements and parking. The board thought this was a good idea.

There being no further business the regular meeting closed at 8:40 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary