

**PLANNING COMMISSION
CITY OF WILLOUGHBY
APRIL 13, 2023
REGULAR MEETING
MINUTES**

PRESENT: J. Cook; Ben Capelle; K. Kary; S. Norris, Chairman
ABSENT: M. Wildermuth
OTHERS: Tim Lannon, City Engineer; 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 7:20 p.m.

MINUTES

Public Hearing Meeting Minutes

March 9, 2023

Mr. Cook moved to approve the Planning Commission Public Hearing Meeting Minutes for March 9, 2023 as submitted and Mr. Capelle seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

March 9, 2023

Mr. Kary moved to approve the Planning Commission Regular Meeting Minutes for March 9, 2023 as submitted and Mr. Cook seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

This item remains tabled per the applicant's request

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**

NEW BUSINESS

US Foils

38264 Willoughby Pkwy.
(Rep.- Mark Green, Marous Brothers Construction)

**Development Plan/EAS#2-2-23
16,000 s.f. warehouse addition**

Mr. Green of Marous Brothers Construction 36933 Vine St., Willoughby, OH 44094 is representing the application for the Development Plan/EAS#2-2-23 for US Foils, 38264 Willoughby Parkway, Willoughby, OH 44094.

Mr. Green said the project is on an existing site. The building addition is a pre-engineered 16,000 sq. ft. metal building and is open warehouse space.

Mr. Kary addressed the EAS. Traffic: no impact, Storm water management: city engineer commented the existing utilities have the ability to handle the demands of the project. Mr. Lannon said they will follow the code and have a small retention system. Sanitary: No change from current site, Wetlands: Will require proof of compliance from the state and federal agencies. This must also be reviewed by a wetland's professional and if necessary, confirmation by the Army Corp. of Engineers. Mr. Green said they have already completed this step. Police and Fire: No demands, Noise, water, and air pollution: No concerns, Schools: No impact, Hazardous waste: No concerns, Timeline: Begin construction in June of 2023 and completion date of approximately 6 months or December, 2023 (dependent upon wetlands study).

Chairman Norris said the board will move onto the Development Plan. Mr. Kary said he is concerned about the loading dock and front of the building in regard to the design. Mr. Green said they are many buildings with loading docks that are not recessed and with metal on the front facades. He said in this industrial area he has documented 6-7. The company repackages foil stock into smaller bundles and resells them, so when a truck pulls in, it off loads the materials and leaves. No trucks would be parking in the dock bays. It was determined that the buildings with loading docks and metal fronts were built before the code was changed in 2020. This project must comply with the current code as written.

Mr. Green said they put a 4' concrete block protection wall at the base of the building that will coincide with the existing concrete block on the existing façade to help tie them together. The gutters and trim will be the same chocolate brown as the building and the neutral beige is on the metal panels etc.

Chairman Norris explained to Mr. Green that there are only four of the five members present this evening and he would need three votes to approve his application. There were some questions as to what "architecturally treated" means. Mr. Green said his client may be able to attend the next meeting, so he wishes to table his application.

Mr. Kary said the plans submitted were very thorough and would like the applicant(s) to look at the loading dock and surface of the front façade based on the code and do their best to comply with that.

Mr. Kary moved to table the Development Plan/EAS#2-2-23 for US Foils, 38264 Willoughby Parkway, Willoughby, OH 44094 per the applicant's request and Mr. Cook seconded.

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

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Nays: None

Motion Carried: TABLED

Jerry Seimon
Wood Rd.
(Rep.- Tony Kucia, Cleveland Custom Builders
& Remodeling LLC)

Lot Split/PPN#27-B-047-A-00-046-0

Mr. Kucia of Cleveland Custom Builders & Remodeling LLC, 12025 Schreiber Rd., Valley View, OH is representing the application for a lot split for Jerry Seimon, Wood Rd./PPN#27-B-047-A-00-046-0, Willoughby, OH 44094.

Mr. Kucia said the lot is 160' wide by approximately 330' deep as presented and they are splitting it in half, so it meets the R-80 code. Chairman Norris said the staff report states the surrounding properties are also in the R-80 zone district and conform with code.

Mr. Cook moved to approve the lot split for Jerry Seimon, Wood Rd./PPN#27-B-047-A-00-046-0, Willoughby, OH 44094 and Mr. Capelle seconded.

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

Motion Carried: APPROVED

Chairman Norris asked Mr. Strauss to move his presentation to the rear of the room for audience viewing. Chairman Norris moved the order of the agenda so the audience had time to view the renderings for Kirtland Tudor Estates and The Yard on 3rd will be heard next.

The Yard on 3rd
38040 Third St.
(Rep.- Anna Dey, Owner)

**Conditional Use Permit (CUP) for
food trucks and outdoor dining**

Ms. Dey, Owner of The Yard on 3rd, 38040 Third St., Willoughby, OH 44094 is representing the Conditional Use Permit.

Chairman Norris asked if Ms. Dey is requesting any changes on the CUP and she said no.

Mr. Kary said he would like to suggest some changes to the Conditional Use Permit. His concern is there needs to be a better plan to clean up the debris left behind from the food trucks, especially on the neighboring property. He suggests a weekly clean-up be added to the CUP. Ms. Dey said she had a less active roll last year than she does this year and agrees with Mr. Kary and they will do a better job. She has a company coming to power wash the neighboring parking lot the next day. They will also clean their site. They are in talks with the neighbor regarding

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the frequency of the power washing because it is expensive. She said they would be open to a bi-weekly power washing agreement. They have orientation with their new staff this week and this will be a focal point. They also will focus on safety and will have their police officers stay an extra hour this year. Mr. Kary said he agrees a bi-weekly cleaning should be added to the CUP.

Chairman Norris asked if the board can enforce this type of condition on someone else's property. Mrs. Landgraf, Esq. said yes, if they have a binding agreement with the neighboring property. Chairman Norris would like to add the condition that seasonal bi-weekly outdoor cleaning will be performed where the four food trucks are parked. This shall be done in compliance with outdoor cleaning regulations. Chairman Norris asked if the grease and water can be washed down the storm sewer. Mr. Lannon said no, but it has nowhere else for it to go. He said cleaning companies may have a way to contain it but is unsure how that is done.

Mr. Kary asked if there are still two food trucks and Ms. Dey replied no, only one with the exception Saturday nights. There will also be another food option for their patrons from their tenant Geraci's. She wanted to clarify they may have two trucks but only one may be operating. The bagel truck (Cocky's Bagels) will remain on site but will not operate every day. They will not be on site until May 27, 2023. There was discussion about the food truck being left on the premises when not in operation. Ms. Landgraf said the board has the ability to allow this with a condition on the CUP. Ms. Dey cited several examples of other businesses with food trucks parked on their properties. Mr. Kary asked why this food truck cannot leave each night. Ms. Dey said they are from North Olmstead, and it would be a commute and their goal is to hire east side employees to open and operate the truck.

Chairman Norris informed Ms. Dey the board only has four of the five members present this evening and asked if she wished to proceed. Ms. Dey said she wished to proceed.

Mr. Kary said there are concerns that were brought forth by the Building Department. He asked if there will be any appliances outdoors and Ms. Dey said absolutely not. Mr. Kary would like to add to the CUP; there will be no powered outdoor appliances. The WPCC asked to add the condition to the CUP that The Yard on 3rd must comply with all the special conditions set forth by the Water Pollution Control Center (WPCC) in the water discharge permit. Ms. Dey said she does have an appointment to speak with them once they open.

Chairman Norris asked if they will have portable bathrooms this year. Ms. Dey said no, they have added restrooms indoors. Chairman Norris said they will add to the CUP; portable bathrooms not allowed on site. Chairman Norris said he would like condition seven (7) to be revised to; A maximum of two food trucks are allowed to serve the premises. He asked the board if they wanted to discuss if the food truck can remain on the premises when not operating. Mr. Cook said he does not have an issue with the food truck remaining on the premises. Mr. Capelle agrees with Mr. Cook, and it would be difficult to enforce. Chairman Norris also agrees. Mr. Kary said he is ok if they do not agree with no overnight parking.

Chairman Norris recapped the conditions for the CUP: 1) Hours of operation: 24 hours, 7 days a week with no maintenance or deliveries Sunday-Thursday 10pm-8am and Friday and Saturday 12am-8am 2) The shared dumpster shall be enclosed/screened, 3) Outdoor evening lighting will be commercial string lighting, 4) The maximum number of outdoor seating allowed is 140, 5) Outdoor music and tv sound must remain at conversation level and live or piped in music be allowed Sunday through Wednesday until 10:00 p.m. and Thursday through Saturday until midnight or 12:00 a.m., 6) The temporary fence, when not in use, is to be stored inside the building, 7) A maximum of two food trucks at a time are allowed to serve the premises, 8) Portable bathrooms are not allowed

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on site, 9) Seasonal bi-weekly clean-up where food trucks are parked shall be in compliance with outdoor cleaning regulations, 10) No outdoor powered appliances shall be permitted, 11) They must comply with all the special conditions set forth by the Water Pollution Control Center (WPCC) in the water discharge permit, 12) This CUP will expire one year from approval. (expires 4-13-24).

Mr. Kary moved to approve the Conditional Use Permit with the following conditions: 1) Hours of operation: 24 hours, 7 days a week with no maintenance or deliveries Sunday-Thursday 10pm-8am and Friday and Saturday 12am-8am 2) The shared dumpster shall be enclosed/screened, 3) Outdoor evening lighting will be commercial string lighting, 4) The maximum number of outdoor seating allowed is 140, 5) Outdoor music and tv sound must remain at conversation level and live or piped in music be allowed Sunday through Wednesday until 10:00 p.m. and Thursday through Saturday until midnight or 12:00 a.m., 6) The temporary fence, when not in use, is to be stored inside the building, 7) A maximum of two food trucks at a time are allowed to serve the premises, 8) Portable bathrooms are not allowed on site, 9) Seasonal bi-weekly clean-up where food trucks are parked shall be in compliance with outdoor cleaning regulations, 10) No outdoor powered appliances shall be permitted, 11) They must comply with all the special conditions set forth by the Water Pollution Control Center (WPCC) in the water discharge permit, 12) This CUP will expire one year from approval. (expires 4-13-24).
for The Yard on 3rd, 38040 Third St., Willoughby, OH 44094 and Mr. Cook seconded.

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

Motion Carried: APPROVED

Kirtland Tudor Estates

Tudor Dr./PPN#21-A-022-0-00-029-0
(Rep.- Marc Strauss, KTE Townhomes LLC,
Chuck Szucs, Polaris Engineering)

**Development Plan/EAS#3-2-23
Minor Subdivision/8-townhomes**

Mr. Strauss of KTE Townhomes LLC, 39489 Tudor Dr., Willoughby, OH 44094 is representing the application for the Development Plan/EAS#3-2-23 for a minor subdivision for 8 townhomes.

Chairman Norris told the applicant that the board did not receive the elevations of the townhomes that were presented this evening.

Mr. Strauss said these are just renderings, so the commission had an idea of what it actually was that was being proposed. The land owner asked him to do color elevations of the front and side of what they will look like, so they are consistent with the current development.

Chairman Norris made the recommendation to the board to table the Development Plan/EAS#3-2-23 until the elevations are received and the board agreed.

Mr. Ross asked if they could get comments for the CUP on the project so if there are any changes that need to be made, they can discuss them. Mr. Strauss said the board could table the Development Plan/EAS#3-2-23 this evening.

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Chairman Norris said they need color elevations and what types of materials are being utilized, but not floor plans.

Mr. Cook moved to table the Development Plan/ EAS#3-2-23 for a minor subdivision for 8 townhomes for Kirtland Tudor Estates, Tudor Dr./ PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Capelle seconded.

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

Motion Carried: TABLED

Chairman Norris informed Mr. Strauss the board only has four of the five members present this evening and asked if he wished to proceed. Mr. Strauss said he wished to proceed.

KTE Townhomes

Tudor Dr./PPN#21-A-022-0-00-029-0
(Rep.- Marc Strauss, KTE)

**Conditional Use Permit
for townhomes**

Mr. Strauss of KTE Townhomes LLC is representing the application for a new Conditional Use Permit for a minor subdivision for 8 townhomes.

Mr. Strauss presented a large-scale rendering of the original Kirtland Tudor Estates site plan which was called Villages. Villages had attached homes, and several different types of products that were available. He said at the time there were seven different home types that were requested to be constructed. He said there is no current Development Plan. This commission has adjusted the plan to what made sense for Kirtland Tudor Estates. He showed on the plan that there were single family homes on one side and in the center section there are several different types of home sites, such as duplexes and single-family homes. There are no interconnected drives which are depicted on the original plan. The plan for this development has changed and evolved.

He went on to say the land where he is proposing his project is a large parcel and has never been subdivided. He is proposing eight townhomes, 4 duplexes on this parcel. He is asking for the Conditional Use Permit to allow him to construct townhomes. He said the Staff Report sets forth the conditions that he must meet in order to get approval for this project. The Mayor supports the project as long as it complies with the conditions set forth in the Zoning portion of the Staff Report. He said this board has recently approved single family platted lots that were not on the original plan, which were condominiums with common area. He said the product he is proposing makes it easier for the buyers to obtain financing.

Mr. Capelle asked Mr. Lannon if it mattered if a couple of the lots were in what appears to be the storm water retention basin. Mr. Lannon said if that is the case, they will need to revise their study and build somewhere else.

Ms. Landgraf said based on the submissions he is going to make will it change anything with the EAS because there is a requirement that prior to the approval of the Conditional Use Permit the Planning Commission shall consider all the comments, recommendations from the EAS. Since the EAS has been tabled it is a mandatory consideration.

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Chairman Norris asked if it is a valid concern that the EAS may change. Mr. Lannon does not see concerns on his part. Mr. Kary said there are no concerns at all from the EAS comments.

Mr. Kary was concerned why some residents that spoke said they were not notified. Mr. Strauss said his application was accepted by the city with the list provided. Chairman Norris said the residents may be close but not within the 300' margin.

Mr. Strauss said the EAS was compiled by Polaris Engineering and based on the Chagrin Falls model, which is a larger scale development, so he cannot see it changing. They may only need revised storm water calculations per Mr. Lannon's comments in the Staff Report.

Mrs. Landgraf said this is a mandatory consideration and recommends the board tables it.

Mr. Capelle moved to table the Conditional Use Permit for Kirtland Tudor Estates, Tudor Dr./PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Cook seconded.

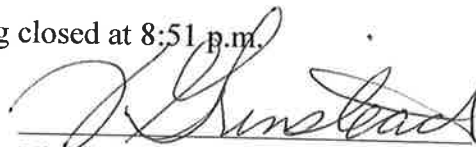
ROLL CALL: Yeas: Ben Capelle; K. Kary; J. Cook; S. Norris, Chairman
 Absent: M. Wildermuth
 Nays: None

Motion Carried: TABLED

There being no further business the regular meeting closed at 8:51 p.m.



Steve Norris, Chairman



Vicki Grinstead, Secretary