

**PLANNING COMMISSION
CITY OF WILLOUGHBY
FEBRUARY 24, 2022
REGULAR MEETING
MINUTES**

PRESENT: K. Kary; J. Cook; J. McCue; M. Wildermuth; S. Norris, Chairman
ABSENT: Stephanie Landgraf, Asst. Law Director
OTHERS: Abigail Bell, Asst. Law Director; Tim Lannon, City Engineer;
Darryl Keller, Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary

Chairman Norris called the regular in-person and Zoom meeting to order at 7:05 p.m.

MINUTES

Regular Meeting Minutes

February 10, 2022

Mr. Cook moved to approve the Regular Meeting Minutes for February 10, 2022 as submitted and Mr. Kary seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

Kirtland Tudor Estates

Tudor Dr.
(Rep.- Mike Ross, Paratto-Ross Real Estate LLC)

Minor Subdivision

(PPN#21-A-022-0-00-029-0)

Mr. Kary moved to untable Old Business for Kirtland Tudor Estates, Tudor Dr./PPN#21-A-022-0-00-029-0 for a minor subdivision and Mrs. McCue seconded.

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

Motion Carried: APPROVED

Mr. Ross, 4735 Wood St., Willoughby, OH 44094 agent for Kirtland Tudor Estates is representing this minor subdivision for Kirtland Tudor Estates.

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Mr. Ross entered into record a revised rendering of the plat (Exhibit A). He said they are taking a portion of the non-platted land within the development and platted three sublots; one would be a duplex and the other two would be single-family homes.

He said there has been a slight change in the plat. On the originally submitted rendering there was a red thatched area that was condominium property that they currently cannot transfer. They will seek approval to obtain this parcel after the fact, but they are seeking approval including that red area this evening from the board.

Mr. Wildermuth asked how the access from subplot 31 is going to work from the drive and will there be a cross covenant. Mr. Ross said they will either be filing an easement with the condominium association to gain access off that road or get the condominium owners to quick claim deed that portion of it. He said they will turn this into the engineer once it is obtained or they will take it up with the county. He said there is a small sliver (approximately 9 ft.) for a drive which they can apply for a lot line adjustment if the board allows them to go to the property line.

Ms. Bell said this approval should be conditioned upon the approval by the HOA whether it is by easement or by consolidation into a legal description for subplot 31.

Mr. Ross said the builder will be Payne and Payne and will match the existing homes in the development.

Mr. Wildermuth said the property line in orange is up against the corner of what appears to be the house on subplot 31. He asked if this will require a variance for the setback. Mr. Ross said according to the Law Director adding that piece to it will take care of it because the house will be on the setback line of 20', but if they do not obtain that piece then they will have to seek a variance. Mr. Keller said they would also have to maintain the 5' setback for the building code.

Dr. Norris asked if new homes will be part of one of the HOAs and Mr. Ross said yes, they will belong to The Villages association.

Mr. Wildermuth moved to approve the minor subdivision for Kirtland Tudor Estates, Tudor Dr./ PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 as submitted but conditioned upon the approval by the HOA for subplot 31 and Mr. Cook seconded.

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

Motion Carried: APPROVED

NEW BUSINESS

Social Tavern DTW
4027 Erie St.
(Rep.- Joseph Hanna, Architect & Greg Brown, Owner)

**Conditional Use Permit
(outdoor dining)**

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Mr. Hanna, Architect is representing his application for a Conditional Use Permit.

Mr. Hanna said they are utilizing two parking spaces to expand the outdoor patio. They felt this would accommodate the outdoor seating arrangement as well as adding the bar. He said they did not do much on the interior except expand the bathrooms for handicapped access. They made the outdoor area handicap accessible so they could easily transition into the indoor space. He said the front has challenges as far as adding a ramp for ADA access, so this is why they created access in the rear of the building.

He said the indoor occupancy would be 87 patrons and 10 employees for a total of 97 and the exterior patio occupancy including the bar would be 118. They are aware the dumpster must be enclosed. They will use the same materials they have proposed for the patio fencing. The outdoor pavilion would be constructed out of steel with steel pipe columns with a covered metal deck with a hard roof.

Mr. Kary asked about the seasonal live music. Mr. Hanna said they may have some light acoustic music and some prerecorded music for the outdoor patio at a conversational level. They will not have live bands. Mr. Kary said he drove down what is the fire lane and said the parking in the rear is not for patrons and Mr. Hanna said that is correct; it would be for employees only.

Chairman Norris said music has been addressed and asked about hours operation and outdoor dining. Mr. Hanna said with the liquor license they should close at 2:00 a.m. but could be earlier during the week. Mr. Keller said outdoor music, per city ordinance, shall be allowed Sunday through Wednesday until 10:00 p.m. and Thursday through Saturday until midnight or 12:00 a.m. Chairman Norris asked if they have a plan for illumination on the outdoor patio. Mr. Hanna said they built the ambient lighting into the banquettes and seating units to keep lighting levels low. Mr. Kary asked if the patio area may be open with heaters in the winter months and Mr. Hanna said yes. The hours of operation will be 24 hours, 7 days a week. Dumpster will be screened or enclosed.

Chairman Norris said he wished to address the seating capacity because the code requires 30% of the interior occupancy for outdoor dining. There are 97 indoor seats and 30% of that would be 29 outdoor seats so they are requesting an excess of 89 seats.

Mr. Jeff Wasserman, part owner of Social Tavern said they are anticipating their patrons will prefer to dine outdoors in the months of May through September and this is why they are requesting more outdoor seating. Chairman Norris said the commission can choose to allow the applicant to exceed the allowable number. Mr. Keller said he spoke to the Fire Marshal, and they are comfortable with the number they have proposed as far as safety.

Chairman Norris asked if the commission wished to add a termination date on the CUP to allow them to revisit and access these items. Mr. Kary said he feels that is a safe option for the city. The applicants asked if the CUP could terminate in two years instead of one because they may not be open until late this summer.

Mr. Kary moved to approve the Conditional Use Permit for Social Tavern DTW, 4027 Erie St. Willoughby, OH 44094 as submitted but with the following conditions: 1) Hours of operation will be 24 hours, 7 days a week 2) The on-site dumpster shall be screened 3) Live acoustical and prerecorded music must remain at conversation level and per city ordinance shall be allowed Sunday through Wednesday until 10:00 p.m. and Thursday through Saturday until midnight 4) Outdoor seating capacity cannot exceed 120% of the indoor seating 5) This CUP shall terminate 2 years from issuance on February 24, 2024 and Mr. Cook seconded.

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Mr. Brown said the name Social Tavern DTW may change.

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

Motion Carried: APPROVED

Social Tavern DTW
4027 Erie St.
(Rep.- Joseph Hanna, Architect & Greg Brown, Owner)

**Development Plan/EAS#1-1-22
(outdoor patio)**

Mr. Hanna, Architect is representing his application for a Development Plan/EAS for Social Tavern DTW.

Mr. Kary addressed the EAS. Mr. Kary said as far as traffic he previously asked about the 9-10 spots in the rear which the applicant said is for employee parking only. There are no storm water issues per the city engineer. The fire department is concerned with the drive, which is a fire lane, and is to be kept clear of any traffic. Mr. Kary suggested possibly adding additional signage. There are no hazardous waste materials. He said they addressed noise in the previous discussion and the music, and those limitations were addressed in the CUP. The time frame for the project is August/September of 2022.

Chairman Norris said the applicants do not plan to install a sprinkler system.

Mr. Hanna said they liked the historic nature of the building. They want to open up the front of the building with bi-fold café windows which draws patrons in from the front to the rear patio. They would also fabricate new awnings with signage. There previously was a mural on the side of the building, and they would like to do some sort of artwork there and maybe do something seasonal in tandem with the city to work with the downtown feel.

Mr. Hanna said the store front would be completely renovated. He said they uncovered some transom windows above the doors which they would like to restore. The interior will be opened up to expose steel beams and high rafters. The new vestibule will meet fire code for egress. The two-door entryway will be combined into one main entry.

Mr. Hanna explained they would like to add some plantings to the rear patio scape to enhance the outdoor feel. They have selected fencing that has an architectural feel to it which will complement the custom patio furniture. He said they want to install an aluminum and glass garage door that opens up to allow people to have a walk in and walk out experience. They will refurbish the gooseneck lighting on the building and the new glass will be insulated.

There is no land outside the fencing that belongs to this applicant so there is no landscaping required and the landscaping will be within the patio confines.

Mr. Kary complemented Mr. Hanna for his submittal and the fact he is restoring the transforms. He explained to Mr. Hanna about the city art code and the mural that was mentioned can be an incredible contribution that would satisfy the art code requirement. He suggested they work with the newly created art committee within the city and the Willoughby Arts Collaborative.

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Mr. Kary moved to approve the Development Plan/EAS for Social Tavern DTW , 4027 Erie St., Willoughby, OH 44094 as submitted, and Mr. Wildermuth seconded.

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

Motion Carried: APPROVED

Andrews Ridge
Johnnycake Ridge Rd.
(Rep.- George Davis, Probuilt Homes, David Novak,
Barrington Consulting)

**Major Subdivision/EAS#15-12-22(b),
PPN#27-A-031-0-00-002-0, 016-0,
017-0, 018-0**

Mr. Davis of Probuilt Homes, 9124 Tyler Blvd., Mentor, OH 44060 is representing his application for a major subdivision off of Johnnycake Ridge Rd./ PPN#27-A-031-0-00-002-0, 016-0, 017-0, 018-0, Willoughby, OH 44094.

Mr. Kary addressed the EAS. Mr. Lannon has no concerns about storm water because they are planning on retention and infiltration. He said as far as traffic volume he has no concerns but does have concerns about the sight distance around the curve with the vegetation and will require a detailed study. Mr. Novak said they basin will be on the west end of the property, but they will do additional testing on the infiltration of the water into the soil and will have an outlet going toward the river to the west. Police and Fire no concerns. No hazardous waste or noise concerns. The school has no concerns with new students. Mr. Davis said the project will be done in two phases. Construction will begin late June or early July, 2022. A sewage pump station will be required from this site to Kirtland Rd.

Mr. Davis said they recently submitted a entry landscape design and he is cognizant of the sight lines. Mr. Kary said he would prefer not to have privacy fencing along Johnnycake and asked if they can do something to hide these fences. Mr. Davis said he would like to install a combination of a certain species of arborvitae and fruit trees. Mr. Davis said if the commission would like to restrict certain lots from having privacy fencing, he would not have an issue with that. Mrs. McCue asked if he would be keeping some of that vegetation that is possibly in the right-of-way and on some of the properties. Mr. Davis said he is fairly sure they have to clear this for sight lines on the curve and Mr. Novak confirmed they must clear anything within the right-of-way. He said once they got into the lots, they could put a landscaping easement and provide a landscaping plan. They could put a restriction in that area in the H.O.A. documents. Mr. Kary said he would definitely like to see the first five homes not be allowed to install privacy fences. Mr. Davis asked if Mrs. McCue would like to collaborate on the landscaping. They will keep some of the existing vegetation but also add some new plantings. Mr. Lannon said there could be a sidewalk along Johnnycake Ridge Rd. someday so the vegetation may not always be there.

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Chairman Norris said he agrees with Mr. Kary and would prefer not to see privacy fences for those five homes. He would prefer landscaping or mounding with landscaping. Mrs. McCue asked if there are sidewalks on both sides of the street and Mr. Davis said yes. She does not see a sidewalk along Johnnycake which is a requirement. Mr. Davis said there is not one installed for St. Johns Bluff so he was unsure what the city would require. Mr. Kary said he would prefer a sidewalk. Mr. Davis said he will have to clear that vegetation if the sidewalk is required. Mrs. McCue asked about access to trails. Mr. Davis said the trails are planned for the lower area, but the plan is ongoing. The upper area is going to be a wetland preserve. After a brief discussion it was decided that a sidewalk along Johnnycake is required. If a home has a swimming pool it is required to have a fence around the pool. Mr. Keller suggested wording it as fences shall remain outside of the landscape easement. Mr. Davis said he will work with the city law department to make sure the language is adequate. Chairman Norris said for the record no fences will be allowed on lots 47 through 51 except for wrought iron fences around swimming pools and a sidewalk along Johnnycake Ridge Rd. is required.

Mrs. McCue asked if the wetlands butt up against the property lines. Mr. Novak said they will mitigate the wetlands up to the property lines but because of the overlay requirement they have to remain twenty feet back from the property lines. There will be a conservation easement on that twenty feet of land. Mrs. McCue said the same will be true with lots 45 and 46 with the stream which has a thirty-five-foot setback. Mr. Novak said they will be removing this part of the stream behind lots 45 and 46.

The commission decided to allow Mrs. McCue to visit the site and make the decision on the landscaping requirements with Mr. Davis. The final plat will need to be submitted and they can submit the final landscape plans at that time for the commission to review.

Chairman Norris said it was noted in the Staff Report that there are seven lots that are lacking in width at either the front or rear lot lines or are not indicated. Mr. Keller it is not uncommon and as long as when the site plans are submitted for the individual homes, they meet the requirements and meet the lot width at the building line. Mr. Novak said part of the conversation overlay that within that section of the code states they are allowed some latitude or a percentage. He said they are under this percentage, and they believe they would be allowed to build those homes at the prescribed setback. Mr. Keller said he did not see a formal submittal requesting that relief. Mr. Novak said he believes the plan submitted was their formal request. Mr. Keller said if the commission approves the plan, then it is approved with those setbacks. Mr. Keller sees no issues with this submittal.

Chairman Norris said he understands there is a lot split coming before the board. Mr. Davis said the existing parcels that are owned by Andrews and their development incorporates parts of those. Polaris Engineering is working with Mr. Davis's engineer to create the lot split. Mr. Davis said is buying the land that has been presented this evening and the upper parcel, which will be a different parcel, is being purchased by the Western Reserve Land Conservatory. Chairman Norris said this approval will be contingent upon the lot split being approved.

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Mr. Kary moved to approve the Major Subdivision/EAS(b) for Andrews Ridge, Johnnycake Ridge Rd./ PPN#27-A-031-0-00-002-0, 016-0, 017-0, 018-0, Willoughby, OH 44094 as submitted but contingent upon the upcoming lot split being approved and no privacy fences will be allowed on lots 47 through 51 and Mrs. McCue seconded.

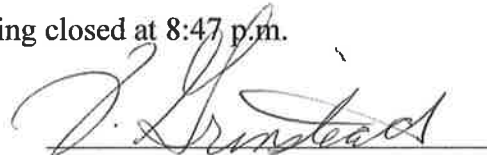
ROLL CALL: Yeas: K. Kary; M. Wildermuth; J. Cook; J. McCue; S. Norris, Chairman
 Absent: None
 Nays: None

Motion Carried: APPROVED

There being no further business the regular meeting closed at 8:47 p.m.



Steve Norris, Chairman



Vicki Grinstead, Secretary