

**PLANNING COMMISSION
CITY OF WILLOUGHBY
APRIL 14, 2022
REGULAR MEETING
MINUTES**

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

Chairman Norris called the regular in-person meeting to order at 7:11 p.m.

MINUTES

Public Hearing Meeting Minutes

February 24, 2022

Mr. Kary moved to approve the Public Hearing Meeting Minutes for February 24, 2022 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

Regular Meeting Minutes

February 24, 2022

Mr. Kary moved to approve the Regular Meeting Minutes for February 24, 2022 as submitted and Mr. Wildermuth seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

None

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NEW BUSINESS

Andrews Ridge
Johnnycake Ridge Rd.
(Rep.- Rick Thompson, Polaris Engineering)

**Lot Split/PPN#27-A-031-0-00-002-0
016-0, 017-0, 018-0**

Mr. Thompson of Polaris Engineering, 8648 Harvest Home Dr., Mentor, OH is representing his application for a lot split of PPN#27-A-031-0-00-002-0, 016-0, 017-0, 018-0/Johnnycake Ridge Rd. for the Andrews Ridge subdivision.

Mr. Thompson said this is vacant land northwest of Johnnycake Ridge Rd. that the school wishes to sell. Chairman Norris asked if this separates the developable area from the conservation area and Mr. Thompson said that is correct. Mr. Thompson said between the development area and the St. Johns Bluff subdivision south there are wetlands.

Chairman Norris asked if there are four parcels. Mr. Thompson said the campus is made up of multiple parcels, but this particular area is coming out of the four parcels and will be combined into one permanent parcel number. The conservation area is not included in this combination.

Mrs. McCue asked if the gas well with the access drive that goes to the piece that will be cut-off will be re-routed in the future and Mr. Thompson said yes. Chairman Norris said this has no effect on the wetlands mitigation and Mr. Thompson said that is correct.

Chairman Norris asked Mrs. Brooks of the Building Department if the parcels are all in compliance. Mrs. Brooks said the parcels that incorporate the development would be consolidated into one parcel. There are some parcels that are being separated and she is unsure if they need to be combined with anything.

Mr. Wildermuth moved to approve the lot split of PPN#27-A-031-0-00-002-0, 016-0, 017-0, 018-0/Johnnycake Ridge Rd. for the Andrews Ridge subdivision, Willoughby, OH 44094 as submitted, 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

Shepherd's Glen
Euclid Ave./PPN#27-A-006-N-00-OCL-0
(Rep.- Ken Lurie, Owner, Chuck Szucs, Polaris Engineering
& Surveying)

**Major Subdivision,
Final Plat
(fee simple townhomes)**

Chairman Norris said Law Director Lucas recommended this application be tabled.

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Mr. Wildermuth moved to table the Major Subdivision Final Plat for 48 fee simple townhomes for Shepherd's Glen, PPN#27-A-006-N-00-OCL-0/Euclid Ave., Willoughby, OH 44094 per Law Director Lucas's request and Mr. Kary seconded.

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

Motion Carried: TABLED

Charlton Abbott
37903 Euclid Ave.
(Rep.-Joe Myers, Myers Architects, and Ken Boyd, Owner)

**Conditional Use Permit
(renewal)**

Mr. Myers is representing the renewal of a Conditional Use Permit (CUP) for the Charlton Abbott, 37903 Euclid Ave., Willoughby, OH 44094.

Chairman Norris said during the public hearing it was requested this CUP be extended for one more year to see how it works during operation.

Mr. Kary moved to approve the renewal of a Conditional Use Permit for the Charlton Abbott, 37903 Euclid Willoughby, OH 44094 with the following conditions: 1) Hours of Operation: 5:30 a.m. until 10:00 p.m. Monday-Friday, 7:30 a.m. until 11:30 p.m. Saturday, and 8:00 a.m. until 8:00 p.m. Sunday, 2) The maximum occupancy limit on the 2 separate patios is 30 and 24 for a total of 54. The maximum occupancy limit indoors is 50; subject to use agreement w/neighbors or church to secure overflow parking of 10 additional spaces, 3) Landscape lighting no higher than knee level . No flood lighting permitted. 4) Piped in music must remain at conversational level and is to be controlled by the owner of the building, 5) Dumpster must be screened and have a gate, 6) Patio usage is limited to members and invited guests only 7) Outdoor landscaping around outdoor patios must be maintained as a buffer, 8) This Conditional Use Permit shall terminate one year from the date of issuance (terminates 4-14-23) and Mrs. McCue seconded.

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

Motion Carried: APPROVED

The Yard of 3rd LLC
38040 Third St.
(Rep.-Anna Dey, & Jason Beudert Owners)

**Conditional Use Permit
(food trucks/outdoor dining)**

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Ms. Dey is representing a new Conditional Use Permit for The Yard on 3rd, 38040 Euclid Ave., Willoughby, OH 44094.

Ms. Dey said they are opening a food truck yard with an indoor/outdoor space. They will have rotating food trucks coming to the site. She said they have a rental agreement with the owner of the adjacent business to utilize their lot for the food trucks. There will be Geraci's Slice Shop in the right side of the existing building.

Mr. Kary asked if there will be any indoor seating for food consumption. Ms. Dey said Geraci's has no indoor seating and will be counter/slice shop. She said The Yard concept will go into the left side of the building. There will be a garage door to keep with the indoor/outdoor feel and there will only be picnic tables for seating in this area. Beverages will be served out of the existing outdoor bar area. The dumpster will be shared with Fuller Flooring but must be enclosed. Mr. Kary asked her to define "dog friendly." She said she does not really know what the city would like it defined as, but it will not be a dog park. Mr. Kary is concerned about safety.

Mr. Kary asked if they will supply the food trucks with electricity. Mr. Beudert, Owner, 8016 Long Forest Dr., Brecksville, OH said the trucks are self sufficient but they will be pulling a permit to have an electrical 220 line installed along the bottom of the fencing; he said this way there will be very little noise. He said they have also met with the health department and there will be no waste removal or dumping of any kind. Mr. Kary asked about the fencing around the perimeter of the property and if it is removable for the ingress/egress of the food trucks. Ms. Dey said the fencing in the food truck area is removable. There will be a gate along the right side, but it will be closed when the trucks are not there.

Mr. Kary asked the applicants to share a copy of the lease they have with Fuller Flooring with the City of Willoughby's Law Department and Ms. Dey agreed. He said the city's ordinance states music is allowed Sunday through Wednesday until 10:00 p.m. and Thursday through Saturday until midnight and at a conversational level. He said there are tenants that live above the store, and they have concerns for them regarding the noise level. Mr. Kary said the commission will put a one-year limit on the Conditional Use Permit (CUP) and they will have to come back before the board to review and renew it.

Mrs. McCue said she has concerns about the temporary fence deteriorating over time. Ms. Dey said they would like to see how the business does before they consider a more permanent solution. She said per the Design Review Board meeting they will make sure the temporary fence does mirror the permanent fence aesthetically. Mr. Beudert said the temporary fence is stable and snap locks in place and is made of heavy-duty plastic. Mr. Kary wants to make sure, with the temporary fence, there is no access for patrons onto the adjacent property. He also wants to make sure they power wash, clean, and maintain the food trucks parking area.

Chairman Norris asked about seating indoors. Mr. Beudert said there are 4-5 picnic tables inside where the garage door is and is more of an overflow area. There was discussion on the garage door size and is for aesthetic purposes only. Chairman Norris said the pre-existing conditions limit the number of outdoor seats to no greater than 30% of the indoor seating. They are asking for 126 seats and is more than 30% of the indoor seating. Mr. Kary said they recently allowed more than 30% with another downtown restaurant for an outdoor patio and this is all outdoor dining and are not using the building as an interior restaurant, so this would be appropriate. It was decided the outdoor seating cannot exceed 140 seats.

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Mr. Kary asked Ms. Dey to expand on what they plan for outdoor music. She said they have a playlist of mostly country with a mix of 80's and 90's. They will have live music from 6:00 p.m. until 9:00 p.m. She said on Thursdays, Saturdays, and Sundays they will have brunch with acoustic music (1-2 piece). There will also be tv's mounted by the bar area and they must be kept at conversational level also.

Chairman Norris said they have stated their hours of operation will be 24 hours, 7 days a week with no maintenance or deliveries Sunday-Thursday 10pm – 8 am and Friday and Saturday from 12 am – 8 am. The dumpster is not currently enclosed but will be enclosed. Mr. Beudert said they are working on a solution to enclose the dumpster. The temporary fence, when removed, will be stored inside the building.

Chairman Norris said the conditions will be as follows: 1) Hours of operation 24 hours, 7 days a week with no maintenance or deliveries Sunday-Thursday 10pm – 8 am and Friday and Saturday from 12 am – 8 am, 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 will be at a conversational level; live or piped in music is 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 are allowed on the premises, 8) This CUP will expire one year from approval (expires 4-14-23).

Mr. Kary moved to approve a new Conditional Use Permit for The Yard on 3rd, 38040 Euclid Ave., Willoughby, OH 44094 with the following conditions: 1) Hours of operation 24 hours, 7 days a week with no maintenance or deliveries Sunday-Thursday 10pm – 8 am and Friday and Saturday from 12 am – 8 am, 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 will be at a conversational level with live or piped in music 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 are allowed on the premises, 8) This CUP will expire one year from approval (expires 4-14-23) and Mr. McCue seconded.

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

Motion Carried: APPROVED

Family Dollar
38000 Euclid Ave.
(Rep.- Joe Myers, Myers Architect & Mark Simms, Owner)

Development Plan/EAS#4-3-22
(retail store)

Mr. Myers of Myers Architect, 38030 Second St., Willoughby, OH and Mr. Simms, 17408 Edgewater Dr., Lakewood, OH are representing this application for a Development Plan/EAS for Family Dollar, 38000 Euclid Ave., Willoughby, OH 44094.

Mrs. McCue recused herself because she worked on the plans.

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Chairman Norris said he sees items missing from this application. He said there is a landscaping plan, but he would like to see a plan with the pallet of the plants and elevations of the plantings. Mr. Kary agrees and would like to see building elevations of the finished product in color and only has renderings of existing building as it stands. He would also like to see material choices and signage.

Mr. Myers said they were under the impression there were before the board to get approval for the use and parking. Family Dollar is preparing their own color renderings and signage to go before the Design Review Board.

Chairman Norris said the Development Plan application requires a topographical map, a landscaping plan, preliminary sketches in color and the commission needs to see what the building will look like so they can make an informed decision.

Mr. Simms said he is under a time constraint with his contract and would like to figure out when they need to get this done. Mr. Myers said he thought they were only getting approved because it was a new retail use, and it was up to Family Dollar to do the rest. Chairman Norris said they need to see the exterior elevations. Mr. Wildermuth said they applied for a Development Plan, and they are only seeing part of it. Mr. Kary said their job is to make sure this meets the city's ordinances, and the Design Review Board is looking at the historical component.

Chairman Norris asked Mrs. Brooks if this is a permitted use and she said yes. He said they can come back before the board in two weeks with the renderings. The parking is sufficient, and the use is permitted. The Planning Commission does not vote on elements of the application separately but as a whole submittal with the required components.

Mr. Kary said as a part of the EAS he will be asking for someone to investigate the gas tanks and ground under the building of Family Dollar. He wants assurances that the environmental impact that took place years ago when the gas station was there have been removed. Mr. Simms agreed to bring/submit those documents.

Mr. Kary moved to table the Development Plan/EAS for Family Dollar, 38000 Euclid Ave., Willoughby, OH 44094 per the applicant's request, and Mr. Cook seconded.

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

Motion Carried: TABLED

Chick-fil-A
35401 Euclid Ave.
(Rep.-Lance Osborne, 35403 Euclid Avenue LLC)

**Lot split & consolidation/
PPN#21A0130000290**

Mr. Osborne of 35403 Euclid Avenue LLC, 7670 Tyler Blvd., Mentor, OH 44060 is representing his application for the lot split and consolidation for Chick-fil-A, PPN#21A0130000290, Willoughby, OH 44094.

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Mr. Osborne said he owns the property immediately west of Chick-fil-A which currently contains two buildings. The building with the address of 35403 Euclid Ave., if the plans submitted are approved, will remain. The building at 35401 Euclid Ave. is somewhat dilapidated would be demolished to will make way for a Chick-fil-A drive thru expansion. This parcel will be consolidated with the current Chick-fil-A parcel. He said they attended the Board of Zoning Appeals meeting on April 13, 2022 where they received approval for a lot that will be less than one acre or a non-conforming lot, which is the lot that will house the 35403 building. If this is approved, then Chick-fil-A will come before Planning Commission for the Development Plan/EAS for the proposed expansion.

Mr. Cook said this will be a vast improvement for this site and should help alleviate some of the traffic congestion. Mr. Wildermuth said the administration is in favor of this plan. Mr. Osborne said the city's Economic Director spoke in favor as well and mentioned there are fifty other parcels in the city that are roughly this size along this corridor.

Mrs. McCue asked if there will be some type of easement for them to gain parking access to the back side of their building and Mr. Osborne said yes.

Chairman Norris noted that each lot split is reviewed on its own merits and this one, the benefits far out way the cost, which may not be true in other cases.

Mr. Cook moved to approve the lot split and consolidation for Chick-fil-A, 35401 Euclid Ave./PPN#21A0130000290, as submitted, and Mr. Wildermuth seconded.

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

Motion Carried: APPROVED

Storage King
33579 & 31597 Euclid Ave.
(Rep.- Travis Crane, Davey Resource Group)

Development Plan/EAS #2-1-22
(two-story building)

Mr. Crane of Davey Resource Group, 1310 Sharon Copley Road, Sharon Center, OH is representing his application for a Development Plan/EAS for a two-story building for Storage King, 33579 & 31797 Euclid Ave., Willoughby, OH 44094.

Mr. Crane said his client owns this storage facility that has been in operation for several years, but they have only owned it for approximately 2-3 years. They want to improve the front elevations and curb appeal of the property. They will demo three existing buildings and construct a new 25,000 sq. ft. building. He said half the building will have a lower level which has a "walk out basement." The storage use will remain the same. The upper portion will be a heated space with an office and an employee. The lower space will not be heated or cooled.

Mr. Kary addressed the EAS. Mr. Lannon said storm water will need some mitigation for the new impervious area. There will be no more than traffic than existed before. No issues with noise, water, air pollution. Hazardous waste materials; make sure your client informs their tenants that no hazardous waste materials are to be stored on the site.

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The police and fire departments have strong concerns about breaks in the perimeter fencing that will need repaired or replaced. There have been many calls regarding theft and damage to this property. This has been an ongoing issue with this site compared to other sites with security measures in place. Also, surveillance video needs to be operational. Mr. Crane said there may be with surveillance with the new building. Mr. Kary reiterated it needs to be operational and the fence needs to be secured with contiguous fencing. Mr. Crane is agreeing to these conditions. The timeline of the project will begin fall of 2022 and completion in spring of 2023. WPCC requires a control manhole that should be sufficient; if not it should be replaced.

Mrs. McCue addressed landscaping. They are at the 20' parking setback from the pavement edge. Mr. Crane said that was correct and they have corrected it. She said it is required to have landscaping strips between the parking area and the building and it looks like you do not have room to do that. In lieu of that perhaps they would consider a continuous strip along the street and maybe some additional trees on the side where they are no overhead wires. Chairman Norris asked if the 5' strip that runs along the front of the building is landscaped area. Mr. Crane replied he believes they are sidewalks. They are providing significant landscaping between the parking and the street, and they will provide limited street access. He said currently the entire front site is uncontrolled access from the street. There will be a landscape island in the front and limited access to enter and exit in two locations.

Mr. Wildermuth said on the lower plan which has the interior walkway that goes back and forth between the two doors, both of these doors will have to be swing doors, not sliding doors. The occupancy load will be approximately 43 according to Building Code and anything over 10 you cannot have sliding doors.

Mrs. McCue said she would like to see continuous linear planting beds across the face of the entire edge of the drive isle instead of it being broken up. A few trees would also be preferable.

Mr. Kary said sidewalks are required for this property since there are currently none. Mr. Crane said his client will comply with city ordinance in regard to sidewalks. He said they may also need to relocate their existing sign.

Mr. Kary mentioned to Mr. Crane that this EAS will not come before City Council at the next meeting because of time constraints, but the next meeting on May 3, 2022.

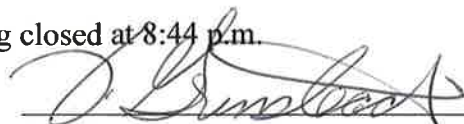
Mr. Wildermuth moved to approve the Development Plan/EAS for Storage King, 33579 & 31797 Euclid Ave., Willoughby, OH 44094 as submitted for a new two-story building, but with the conditions stated in the minutes of April 14, 2022 for fencing, surveillance and landscaping and Mr. Cook seconded.

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

Motion Carried: APPROVED

There being no further business the regular meeting closed at 8:44 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary