

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
JANUARY 11, 2024  
REGULAR MEETING  
MINUTES**

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

**Chairman Norris called the regular in-person meeting to order at 7:04 p.m.**

**MINUTES**

**Public Hearing Meeting Minutes**

**December 14, 2023**

Mr. Cook moved to approve the Planning Commission Public Hearing Meeting Minutes for December 14, 2023 as submitted and Mr. Capelle seconded.

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

**Motion Carried: APPROVED**

**Regular Meeting Minutes**

**December 14, 2023**

Mr. Capelle moved to approve the Planning Commission Regular Meeting Minutes for December 14, 2023 as submitted and Mr. Cook seconded.

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

**Motion Carried: APPROVED**

**OLD BUSINESS**

**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**

**City of Willoughby  
Planning Commission  
Regular Meeting Minutes  
January 11, 2024**

Mr. Wildermuth moved to untable the lot split into 3 parcels for Kirtland Tudor Estates, Stillman Lane/Tudor Dr./PPN# 21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Capelle seconded.

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

**Motion Carried:     UNTABLED**

Mr. Ross, 4735 Wood St., Willoughby, OH 44094 is representing the lot split for Kirtland Tudor Estates.

Mr. Ross said this item has been discussed at length and the attorneys for the city and Kirtland Tudor Estates have also spoken. One provision for approval of this lot split is obtaining 100% of all the condo owner signatures. He said there was discussion about a time limit of thirty (30) days but he is asking for sixty (60) days. He needs fifteen signatures and they all have to be notarized and two of the owners live in Los Angeles.

Chairman Norris said he does not have an issue with the sixty day request. Mr. Kary said it bothers him they are asking them to approve the split of three parcels before the legal work is done. Chairman Norris noted that the law department said this approval would be contingent upon 100% of these signatures being obtained.

Mr. Cook asked why Mr. Ross needs approval this evening instead of sixty days from now. Mr. Ross said to give assurance to his client that is purchasing Sublot 9 that this will actually happen. His clients would like to begin construction by the end of February.

Chairman Norris said they received a large document from the law department that has two key components; one is, it does legally remedy the frontage issue and the other is that the subdivision limitations are not applicable to this lot split. He said if approved this is only a contingency and not a done deal until all of these signatures are collected and filed with the city.

Mr. Pedersen, Esq. said Mr. Lucas wished him to convey to the Planning Commission that this is an expressed condition and wanted on record that the applicant is ok with this as an expressed condition with the time frame the commission decides upon. Mr. Ross agreed and said he is asking for sixty days but he would be ok with thirty if that is what they decide upon. He is ok with 100% of the condo owners agreeing to the release and obtaining 100% of their signatures.

Mr. Pedersen said Mrs. Grinstead has the paperwork Mr. Ross needs to file and it will not be released to him until the law department advises her that all of the contingencies have been met to their satisfaction. The commission needs to impose a time limit so this does not go on indefinitely.

Chairman Norris asked if the commission would like to table this or proceed with a motion with the contingency.

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Mr. Capelle moved to approve the lot split into 3 parcels for Kirtland Tudor Estates, Stillman Lane/Tudor Dr./PPN# 21-A-022-0-00-029-0, Willoughby, OH 44094 with the expressed condition that Mr. Ross obtain 100% of all required signatures from the H.O.A. members for this lot split/land swap within thirty (30) days and submit to the Law Department from this approval date and Mr. Cook seconded.

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

**Motion Carried:    APPROVED**

**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  
Parcel "C" for single family home**

Mr. Ross of Paratto-Ross Real Estate is representing the lot split for Kirtland Tudor Estates for Stillman Lane/Tudor./ PPN#21-A-022-0-00-029-0, Willoughby, OH 44094.

Mr. Wildermuth moved to untable the lot split for Parcel "C" for Kirtland Tudor Estates, Stillman Lane/Tudor Dr./PPN# 21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Capelle seconded.

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

**Motion Carried:    UNTABLED**

Mr. Wildermuth moved to permanently table the lot split for Kirtland Tudor Estates, PPN#21-A-022-0-00-029-0/Parcel #C, Willoughby, OH 44094 per the applicant's request and Mr. Capelle seconded.

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

**Motion Carried:    PERMANENTLY TABLED**

**NEW BUSINESS**

**36900 Vine Street LLC**  
36900 Vine St.  
(Rep.- Jon Sines, 36900 Vine Street LLC)

**Development Plan/EAS#1-1-24  
for an existing restaurant with  
interior & exterior improvements**

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Mr. Wildermuth moved to permanently table the Development Plan/EAS#1-1-24 for 6900 Vine Street LLC, 36900 Vine Street, Willoughby, OH 44094 per the applicants request and Mr. Cook seconded.

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

**Motion Carried:     PERMANENTLY TABLED**

**Andrews Ridge**  
Ridge Rd./PPN#27-A-031-0-00-025-0  
(Rep.- George Davis, Andrews Ridge LLC)

**Final Plat/Improvement Plans  
Phase II (28 lots)**

Mr. Davis of Probuilt Homes, 9134 Tyler Blvd., Mentor, OH 44060 is representing the Final Plat and Improvement Plans for Phase II (28 lots) for Andrews Ridge.

Mr. Davis said the overall development is 51 homes and they have subsequently put in the first phase of 23 lots and they are here this evening to ask for formal approval of the second phase. There are virtually no changes from the original approval other than they had a larger detention area. Originally, they had a large detention area and there was a lot split that Planning Commission approved where they split off the remaining land.

The model home is not open yet because Willoughby is going through a radio change so the pump station is not yet open. The model home will be open in three to four weeks. He said they are also doing the YMCA dream house and have sold all but nine of the lots in Phase 1. The average home price is \$600,000.

Chairman Norris said there was an EAS that was not complete that was submitted and Mr. Davis apologized and said it was put in there by accident. Chairman Norris said they will remove it so it does not confuse anyone.

Mr. Kary said there was an issue brought up in a City Council meeting about a possible infrastructure issue in this area. He asked if there were any issues with storm lines or sanitary. Mr. Davis said the sewer along Johnnycake is extremely old, so old that the city does not even have plans. They cameraed and did studies on this sewer as part of their approval. There are not a lot of residents tied into this particular sewer. The sewer is reaching the end of its life and there is not an immediate concern but there is a future concern. City Engineer Lannon said he wanted to do a RID or TIF to reserve tax funds from these homes to replace or line this sewer and Mr. Davis agreed. Mr. Kary said he wanted Planning Commission to know that there are future issues that will need to be addressed that were not brought up on the EAS when it was originally presented. Mr. Davis explained this issue and said the reason it was not caught in the EAS portion is because it was brought up in the engineering phase and explained the process. There was no capacity issue at the time the EAS was presented. Mr. Davis said it is not his subdivision that is creating this issue, the sewer is incredibly old.

Mr. Kary moved to approve the Final Plat and Improvement Plans for Phase II (28 lots) for Andrews Ridge, Ridge Rd./PPN#27-A-031-0-00-025-0, Willoughby, OH 44094 as submitted and Mr. Wildermuth seconded.

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

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Absent: None  
Nays: None

**Motion Carried: APPROVED**

**Lake Development Authority**  
1745 Lost Nation Rd.  
(Rep.- Barry Deming, Deming Enterprises &  
Patty Fulop, Lake Development Authority)

**Development Plan/EAS#3-1-24  
for JTV hangar, PPN#27B0540000120**

Mr. Deming of Deming Enterprises and Patty Fulop, Lake County Executive Airport are representing the Development Plan/EAS for Lake Development Authority for a new hangar.

Mr. Deming said this is a 22,500 sq. ft. airplane hangar that has offices for the owner.

Mr. Kary addressed the EAS.

- Stormwater- The proposed basin addresses all issues.  
Note: The County has addressed all wetlands.
- Traffic-no impact
- FD & PD- no concerns
- Noise, water, air pollution- no concerns
- No impact on schools
- Hazardous waste- no concerns
- Timeline: Begin: Spring of 2024, Complete: Fall 2024

Chairman Norris asked to address the Development Plan. Mr. Kary complimented Mr. Deming on his submittal, especially the landscape plan. He said this hangar will sit closer to Lost Nation Rd. than the others. He asked if the fence will continue to the building and continue on the other side of the building and Mr. Deming said yes. Mr. Kary said the basin and landscaping are outside of this fence. Mr. Kary said another hangar owner has not completed the approved landscaping that was approved. The commission waived some other landscaping requirements in the parking lot and they agreed to do additional landscaping into the basin area. He is asking the Building Dept. to go after that owner/tenant to comply with the approval for the landscape requirements. Mr. Kary asked if they would be willing to add the same two benches between the trees along Lost Nation Road as the ones already there. Mr. Deming said he thought it would not be a problem and would discuss this with his client.

Chairman Norris asked about the 70' trees proposed and if they are allowed near the airport. Ms. Fulop said they will have an agreement in the lease that if the trees become an issue they will need to be taken down.

Mr. Pukas said everything is in compliance as far as zoning.

Mr. Kary moved to approve the Development Plan/EAS#3-1-24 for Lake Development Authority, 1745 Lost Nation Rd./ PPN#27B0540000120, Willoughby, OH 44094 for a new hangar as submitted and Mr. Cook seconded.

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

**Motion Carried: APPROVED**

**Tricky Tortoise Brewing Company**  
4057 Erie St.  
(Rep.- Robert Ehasz, Owner)

**Conditional Use Permit to operate a  
brewpub with outdoor dining**

Mr. Ehasz, Owner of the Tricky Tortoise Brewing Company is representing his application for a CUP to operate a brewpub with outdoor dining. Chairman Norris advised Mr. Ehasz would have to go to City Council for his EAS approval.

Chairman Norris said the conditions being proposed are 1) hours of operation are 24/7, (2) the two dumpsters must be enclosed, (3) front and back outdoor music will be piped in and live and must remain at conversational level, Mr. Ehasz said they may have live music indoors but may like to have a guitar player outdoors, (4) outdoor lighting, front and back, must be ambient/scene and contained to patio areas, (5) current and future outdoor patio(s) are to have protection for vehicular traffic such as bollards or a knee wall, (6) no power washing or cleaning equipment from midnight to 6:00 a.m., (7) outdoor trash cans are to be emptied nightly, (8) this CUP will expire one year from approval date of 1-11-24.

Mr. Wildermuth moved to approve the Conditional Use Permit for the Tricky Tortoise Brewing Company, 4057 Erie St., Willoughby, OH 44094 with the following conditions: 1) Hours of operation are 24/7, 2) All on-site dumpsters must be enclosed, (3) Front and back outdoor music will be piped in and live music must remain at conversational level, (4) Outdoor lighting, front and back, must be ambient/scene and contained to patio areas, (5) Current and future outdoor patio(s) are to have protection for vehicular traffic such as bollards or a knee wall, (6) No power washing or cleaning equipment from midnight to 6:00 a.m., (7) Outdoor trash cans are to be emptied nightly, (8) This CUP will expire one year from approval date of 1-11-24 and Mr. Cook seconded.

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

**Motion Carried: APPROVED**

**Tricky Tortoise Brewing Company**  
4057 Erie St.  
(Rep.- Robert Ehasz, Owner)

**Development Plan/EAS#4-1-24**

Mr. Ehasz, Owner of the Tricky Tortoise Brewing Company is representing his application for a Development Plan/EAS.



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Mr. Kary addressed the EAS.

- Stormwater/Sewer- No stormwater concerns cited by City Engineer. City Engineer requested that the city sewer department investigate sewer connections for proper separation between storm/sanitary. Update: The Sewer Department has attempted to do a dye test at this location. Unfortunately, due to blockages in the rooftop drains, sanitary, and storm drains, they were unable to complete any of the tests. They will be notified when the blockages are clear to complete the testing.
- Traffic-no impact, same type as previous operation.
- FD & PD-no concerns from FD. After reading the email from Police Chief Schultz, there is a strong understanding that this new business will address issues from the previous operations. Will ask WFD to review occupancy load limits and seating.
- Noise, water, air pollution- Noise level must comply with CUP
- No impact on schools
- Hazardous waste: no concerns
- Timeline: No construction or infrastructure improvements, Open: Spring 2024

Mr. Kary said anything he is doing outdoors he needs to visit the Building Dept. and the appropriate boards will help guide him.

Mr. Cook moved to approve the Development Plan/EAS#4-1-24 for the Tricky Tortoise Brewing Company, 4057 Erie St., Willoughby, OH 44094 as submitted and Mr. Capelle seconded.

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

**Motion Carried:     APPROVED**

**Planning Commission**

**Election – 2024  
Chairman  
Vice Chairman  
Secretary**

Mr. Kary moved to nominate Dr. Norris as Chairman of the Planning Commission for year 2024 and Mr. Wildermuth seconded. There were no other nominations for Chairman.

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

**Motion Carried:     APPROVED**

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Mr. Kary moved to elect Dr. Norris for Chairman of the Planning Commission for year 2024 and Mr. Capelle seconded.

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

**Motion Carried:     APPROVED**

Mr. Kary moved to nominate Mr. Wildermuth as Vice Chairman of the Planning Commission for year 2024 and Mr. Cook seconded. There were no other nominations for Vice Chairman.

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

**Motion Carried:     APPROVED**

Mr. Kary moved to elect Mr. Wildermuth for Vice Chairman of the Planning Commission for year 2024 and Mr. Capelle seconded.

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

**Motion Carried:     APPROVED**

Mr. Kary moved to nominate Mrs. Grinstead as Secretary of the Planning Commission for year 2024 and Chairman Norris seconded. There were no other nominations for Secretary.

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

**Motion Carried:     APPROVED**

Mr. Kary moved to elect Mrs. Grinstead for Secretary of the Planning Commission for year 2024 and Mr. Cook seconded.



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

**Motion Carried:     APPROVED**

**DISCUSSION**

**Planning Commission**

**P/C recommendations to the Mayor**

Mr. Capelle suggested adding some sort of threshold that if you are adding an addition of 50% or greater onto your building or doing renovation and you do not currently have sidewalks you should have to add them. It is in the code for new construction but not renovations. This would be for commercial, not residential.

Mr. Kary said when the Planning Commission approves something and it is not done by a developer what recourse do we have? The city cannot let this happen. It puts a burden on the Building Department as well. Larry said he spoke with Mr. Wheeler and he will come up with an amended landscaping plan. Chairman Norris suggested a monetary fee or bond attached to projects or possible citation.


Chairman Norris said if the city continues to allow outdoor dining, especially in the right-of-way, we need protection from vehicular traffic. If it is in the right-of-way, is it the city's responsibility.

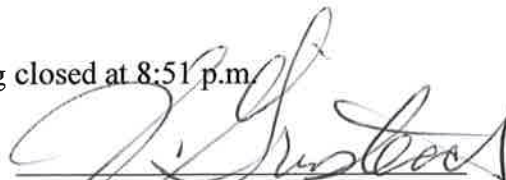
**Greg Patt**  
38005 Brown Ave.

**Work session discussion items  
(zoning changes)**

Mr. Patt requested his discussion items for zoning changes be moved the January 25, 2024 meeting.

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

  
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Steve Norris, Chairman

  
\_\_\_\_\_  
Vicki Grinstead, Secretary