

**PLANNING COMMISSION
CITY OF WILLOUGHBY
NOVEMBER 18, 2021
REGULAR MEETING
MINUTES**

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

Chairman Norris called the regular meeting to order at 7:04 p.m.

MINUTES

Public Hearing Minutes

October 28, 2021

Mr. Kary moved to approve the Public Hearing Minutes for October 28, 2021 as submitted and Mr. Wildermuth seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

October 28, 2021

Mr. Kary moved to approve the Regular Meeting Minutes for October 28, 2021 as submitted and Mrs. McCue seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

New 1-Story Multi-Tenant Bldg.
36001 Euclid Ave.
(Rep.-Leon Sampat, LS Architects)

**Development Plan/EAS,
(demo existing/construct new)**

This item remains tabled.

NEW BUSINESS

Paris Law

4055 Erie St.

(Rep.- Tasso Paris, Owner)

Conditional Use Permit

Mr. Paris is representing the Conditional Use Permit for a non-retail first floor occupancy for a law office in a Downtown Business district, Sub-district A for Paris Law, 4055 Erie St., Willoughby, OH 44094.

Mr. Paris said he is open for business Monday through Saturday from 8:30 a.m. until 4:30 p.m. He does not see clients on Sundays, but he may be there to work on occasion. He said he typically sees his clients 3-4 times a week and if there is a scheduled deposition other attorneys may be in the office as well. He is also open for walk-ins. He would like his hours to be 24 hours, 7 days a week in case he needs to be in the office for other business. He said he shares a dumpster with Sage Karma Kitchen next door.

Mr. Wildermuth read into record a memo from Mr. Tom Thielman, Economic Director in support of the Conditional Use Permit for Paris Law (Exhibit "A"). Mr. Kary said first floor space in downtown Willoughby is prime property for retail business and that is why the ordinance was created in year 2020. It is meant to limit first floor businesses to that dedication. He said Mr. Paris did meet the requirements of the ordinance in terms of the property being vacant for more than six months and the building owner has worked with the Community Development Director to try to rent the space. He said because these criteria are met his being a tenant at this location is acceptable.

Mr. Keller would like to make a statement for the record. He said the space is already occupied and they would like to see this after the approvals have been granted. The property being rented was originally The Art Bar and next door was the Stain Glass Center; there were two business in this space. It has been subdivided without permits, applications or drawings. He does not have an issue with the business utilizing the space and has an application for the other subdivided space for a barber shop. He said the owners have to come in with construction plans from a design professional and comply with all the requirements of the Ohio Building Code. He wanted this on record because if they fail to comply this could affect the tenant occupancies.

Mr. Wildermuth moved to approve the Conditional Use Permit for Paris Law, 4055 Erie St., Willoughby, OH 44094 as submitted with the following conditions: 1) Hours of operation are 24 hours, 7 days a week and 2) there is use of a shared dumpster with Sage Karma Kitchen and Mr. Kary seconded.

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

Motion Carried: APPROVED

Griffin Family LLC
Lost Nation/Adkins Rd.
(Rep.- Michael Denk)

Minor Subdivision (3 homes)
(PPN#27-B-051-B-00-002-0,
003-0, 004-0)

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Mr. Denk, 8769 Quail Circle, Kirtland, OH 44094 is representing the Minor Subdivision (3 homes), PPN#27-B-051-B-00-002-0, 003-0, 004-0 , Lost Nation/Adkins Rd., Willoughby, OH 44094.

Mr. Kary asked if these three parcels are still considered R-80 as far as lot size and Mr. Keller said that is correct. Mr. Kary said the homes and driveways are on Adkins Road and Mr. Denk said yes. Mr. Kary told Mr. Denk to make sure the driveway location on lot #3 is as far to the east as possible and Mr. Denk agreed.

Chairman Norris said the lots conform to the zoning code requirements and Mr. Keller confirmed this statement. Chairman Norris said it is an improvement from an engineering standpoint because the driveways are being moved off of Lost Nation Rd.

Mr. Lannon said he would like to see a mini report for storm water because of the change in orientation of the lots. It will be a land disturbance of over one acre based on the three lots. He said the code requires a storm water management report. He said if the lots are sold individually, it could impact the drainage especially if fences are installed. They would need rear yard drains or side yard swales that would direct the storm water toward Adkins Rd. Mr. Denk said Mrs. Grinstead did send out electronically a new plan that included the yard drains. Mrs. McCue confirmed it is on the preliminary grading and utility plan and shows yard drains in the rear yard. Mr. Lannon said each lot will require a site plan and the drains can be shown there. They are concerned with the increase of impervious area even though it may be minimal. Mr. Denk said there were three structures, one being a detached garage previously. Mr. Lannon said he would like to see a mini master plan with drainage patterns at the beginning of the process and the individual lots follow a plan once it is set.

Mr. Wildermuth moved to approve the Minor Subdivision (3 homes), for the Griffin Family LLC, PPN#27-B-051-B-00-002-0, 003-0, 004-0, Lost Nation/Adkins Rd., Willoughby, OH 44094 as submitted but with the stipulations that a master plan showing drainage is submitted and a lot split is obtained, and Mrs. McCue seconded.

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

Motion Carried: APPROVED

DISCUSSION

Mayor Fiala

**Procedures/Submittals for
Development Plans &
Subdivisions**

Mayor Fiala apologized to the Planning Commission for putting them in a position to approve inadequate applications and said this is the fault of the administration because of their inability to provide them with the information they need to review submissions effectively. He said there was a plan recently submitted to the commission that was woefully inadequate and there were not enough documents to make an accurate decision. He said going forward this will be changed. He has created a check list that must be marked off and if any of the items are incomplete it will not come before the board. He said when it comes to the administration office and is

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incomplete, they will recommend it not be placed on the docket. He said there may be push back from developers, but they need to keep the citizens happy. He said if they do not have the required documents they will not be put on the docket. He said this is the standard planning process in other communities. He said if there is not a Staff Report from the Mayor's office that the check list is complete, he is asking the commission to not accept it to be read into record.

Mayor Fiala asked the law department to compose a memo to himself and the Planning Commission to address the code for the first-floor non-retail occupancy that was before the commission this evening. He wants them to access this code even with the six-month duration and the Economic Development Director acknowledgement that they have been working aggressively and wants an opinion as to whether the Planning Commission, based on the developer and the developer's history in this community, if they have the ability to allow an unauthorized occupancy. He said in tonight's case they have had issues with this developer which Mr. Keller previously explained. He said obtaining permits after building is unacceptable and needs to stop. He said to summarize, regarding C.O. 1141.10 meeting the six-month requirement and if they are working cooperatively, can the administration enter a comment to the Planning Commission that the administration does not recommend allowing occupancy, and if so, under what basis do they have the authority. He said allowing non-retail on the first floor does not help the bars and restaurants with the sale of food and drinks, drawing foot traffic or help sell merchandise for retail shops. He said the city must address troubled landlords that the abuse the system.

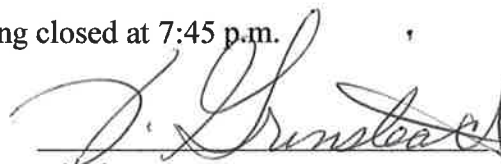
Mr. Kary agrees with Mayor Fiala, and they do need to require more information for developers. He does not feel this will be an issue for most developers. Mr. Kary said as far as this evening's approval of the CUP, there was a letter from Mr. Thielman and no objection from Mr. Keller as far as the code, and they were in compliance as far as the ordinance. Mayor Fiala said he is not in favor of non-retail first floor occupancies in downtown Willoughby.

He presented a rough draft check list and asked the Planning Commission to add anything they deem necessary.

Chairman Norris agreed that many times developers come to the board with less than adequate plans. He said they may need to change or update the zoning code. He said the submittal should be complete when it comes to them, and it may be as simple as adding a check list. The mayor would like the check list to be part of the Development Plan application.

There being no further business the regular meeting closed at 7:45 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary