

**PLANNING COMMISSION
CITY OF WILLOUGHBY
DECEMBER 12, 2024
REGULAR MEETING
MINUTES**

PRESENT: Jim Cook; K. Kary; Ben Capelle; Steve Norris, Chairman
ABSENT: Mike Wildermuth; Darryl Keller, Bldg./Zoning Chief;
OTHERS: Mike Lucas, Law Director; Tim Lannon, City Engineer;
Vicki Grinstead, Secretary

Chairman Norris called the regular in-person meeting to order at 7:14 p.m.

MINUTES

Public Hearing Meeting Minutes

November 14, 2024

Mr. Cook moved to approve the Planning Commission Public Hearing Meeting Minutes for November 14, 2024 as submitted and Mr. Capelle seconded.

ROLL CALL: Yeas: Ben Capelle; Ken Kary; Jim Cook; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

Regular Meeting Minutes

November 14, 2024

Mr. Capelle moved to approve the Planning Commission Regular Meeting Minutes for November 14, 2024 as submitted and Mr. Cook seconded.

ROLL CALL: Yeas: Ken Kary; Jim Cook; Ben Capelle; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

OLD BUSINESS

None

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Chairman Norris advised the participants that the board has five members of which a majority of the board is needed to grant an approval. He stated all five members of the board are not present this evening and the applicants need a majority or three votes to pass their projects. At any time during the discussion the applicant can choose to table the discussion until a later meeting.

NEW BUSINESS

Pfabe's Music Academy LLC
38109 Euclid Ave.
(Rep.- John Budnik, Owner)

**Conditional Use Permit
Studio for instruction on a first floor**

Mr. Budnik, Owner is representing the Conditional Use Permit (CUP) for Pfabe's Music Academy LLC, 38109 Euclid Ave., Willoughby, OH 44094.

Mr. Budnik said they have moved their business into a former law office building within the city. They are taking care of some dry rot on the exterior of the building and doing some interior maintenance. The law offices will move out at the end of the year. They do mostly elementary school music education.

Mr. Kary asked if their parking is in the rear of the building and Mr. Budnik said yes and the only entrance is off of Euclid Ave. Mr. Kary asked what their hours of operation will be. Mr. Budnik said their current hours for the Painesville office is 12:00 p.m. until 8:00 p.m. because they teach young children. Mr. Kary explained that they can make the hours of operation as broad as they would like in case someone has to be in the building for additional instruction or cleaning etc. Mr. Budnik said he would request 24 hours, 7 days a week but wants to be respectful to the neighbors in the condos. The office staff comes in around 10:00 a.m. and leaves at 5:00 p.m., Monday through Friday. They are open Saturdays from 10:00 a.m. until 6:00 p.m. He will have an occasional poker night for the fathers on a Saturday once a month from 7:00 p.m. to 11:00 p.m. They are closed on Sundays.

Chairman Norris asked if they would teach trombone. Mr. Budnik said they have a brass teacher in the Painesville office and they only have three students and it is not profitable. Chairman Norris said the noise from a brass instrument is different from the noise of a piano and they want to be respectful of the neighboring properties. Mr. Budnik said for the beginner student it would be piano or guitar. There is always a staff member present when a student is receiving a lesson for child safety in a classroom. Chairman Norris said hours of operation for work will be 24 hours, 7 days a week and for the playing of music the hours would be 6:00 a.m. until midnight.

Mr. Kary suggested doing a great sign for the historical building. Mr. Kary asked if there was a dumpster and Mr. Budnik said yes and it will be enclosed. Chairman Norris said the ordinance requires the dumpster to be enclosed. He asked if there was still a shed in the back and Mr. Budnik said yes. Chairman Norris said he could store the dumpster in there and roll it out on garbage days. The city does not want it sitting out and garbage blowing away.

Chairman Norris said they will allow outdoor music between the hours of 10:00 a.m. and 10:00 p.m., 7 days a week. There will be no outdoor storage. No outdoor maintenance will be performed from midnight to 6:00 a.m., 7 days a week. Mr. Kary suggested adding a one year expiration date on this CUP as they have done with other downtown businesses. They anticipate opening at the beginning of 2025.

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Mr. Capelle moved to approve the Conditional Use Permit for Pfabe’s Music Academy LLC, 38109 Euclid Ave., Willoughby, OH 44094 with the following conditions: 1) Hours of operation are 24 hours, 7 days a week for office hours, 2) Playing of music allowed from 6:00 a.m. until midnight 3) No outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week, 4) Dumpster shall be enclosed or stored in shed, 5) Outdoor music is allowed from the hours of 10:00 a.m. to 10:00 p.m., 7 days a week, 6) No outdoor storage, 7) This Conditional Use Permit expires one year from issuance (expires 12/12/25) and Mr. Cook seconded.

ROLL CALL: Yeas: Jim Cook; Ben Capelle; Ken Kary; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

Berkshire Hathaway HomeServices Professional Realty
4120 Erie St.
(Rep.- Dana Cunningham, Berkshire Hathaway)

**Conditional Use Permit for
first floor occupancy in Downtown
Business district**

Ms. Cunningham is representing the Conditional Use Permit (CUP) for Berkshire Hathaway HomeServices Professional Realty, 4120 Erie St., Willoughby, OH 44094.

Ms. Cunningham said they are looking to be a part of the community as she stated previously. The company has tried to be more involved in raising money for charities. They enjoy and wish to be a part of all the Downtown Willoughby festivities. She would like their hours of operation to be 24 hours, 7 days a week because the real estate business has to be flexible. There will be no outdoor music. Mr. Kary asked if they have any intentions of doing any outdoor serving, tables etc. and Ms. Cunningham said no. There is a dumpster that is shared with the apartments. There will be no outdoor maintenance from midnight until 6:00 a.m., 7 days a week. No outdoor storage shall be allowed. Chairman Norris said they normally put a one year expiration on downtown businesses but since this is a professional business the board will not impose any expiration date on this CUP, so there are only four conditions.

Mr. Capelle moved to approve the Conditional Use Permit for Berkshire Hathaway HomeServices Professional Realty, 4120 Erie St., Willoughby, OH 44094 with the following conditions: 1) Hours of operation, 24 hours, 7 days a week, 2) No outdoor music shall be permitted, 3) No outdoor storage shall be allowed, 4) No outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week and Mr. Cook seconded:

ROLL CALL: Yeas: Ben Capelle; Ken Kary; Jim Cook; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

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Gas Station/Convenience Store

4150 S.R. 306

(Rep.-Steven Butler, Community Civil Engineers LLC)

Conditional Use Permit

**gasoline station/convenience store
selling e-cigs, vape products &
controlled substances & drive thru
in a General Business District**

Mr. Butler of Community Civil Engineers LLC is representing the Conditional Use Permit for a gasoline station/convenience in a General Business District.

Mr. Butler said they have evaluated the building which is in good condition and will utilize the existing building. They will construct a 1,100 sq. ft. addition on the north side of the building as shown on the site plan. This addition will be for coolers. They will keep the existing drive thru but there will be no speakers. There will be stacking for ten vehicles for the drive thru.

Mr. Butler said they initially put on their application they would like the hours of operation from 5:00 a.m. until 1:00 a.m. but they would like to amend that to 24 hours, 7 days a week to compete with the gas station across the street. They will eliminate the existing dumpster enclosure and will construct a new one on the west/rear of property. Chairman Norris said there shall be no outdoor maintenance between the hours of midnight and 6:00 a.m., 7 days a week. Chairman Norris asked if they plan to have any outdoor music and Mr. Butler said no. Chairman Norris said they can add that piped in outdoor music must remain at a conversational level or lower but no live music is permitted and Mr. Butler agreed. Chairman Norris asked about the lighting. Mr. Butler said most of the lighting would be from the canopy. Chairman Norris said outdoor lighting is to be contained to the subject property.

Mr. Lucas said that gas stations have conditions under C.O. 1155.04 (1-10) and have specific regulations, some of which have been touched upon already and all are applicable to this project. One of the items that has not been discussed yet is that open space adjacent to a public street right-of-way shall be landscaped and maintained, so if there is open space, then there must be landscaping. Mr. Butler said the existing parking goes up to the right-of-way but there may be a couple of feet between them. There is a bit of green space there now but not enough for plantings. During the planning of the site plan with staff they thought since this was existing it would be allowed to remain. Mr. Lucas said he is not suggesting they cut back any parking, he was just reading what was in that particular enumerated paragraph. Chairman Norris said they will discuss maintaining the existing landscaping and green space in the Development Plan portion of this meeting.

Mr. Lucas said the city passed an ordinance back on April 17, 2024 that is part of the Conditional Use Permit process and there are certain conditions governing the retail sales of vaping and controlled substances (C.O. 1141.03) and the conditional uses themselves are under C.O. 1155.04 (qq) which will all be part of the Conditional Use Permit and suggested the applicants review these codified ordinances. Mr. Butler said he was aware of the cut off times for retail sales etc. for controlled substances being 10:00 p.m. and would abide by that, however, if they have a customer that comes in after that time they will go across the street to the facility that is allowed to sell it. He said as part of the CUP they would like to ask to extend this to 1:00 a.m. when they anticipate closing. Mr. Lucas said that business may have been selling those items before the recent legislation occurred but this commission does not have the power to extend this provision beyond the 10:00 p.m. limitation, however, the Board of Zoning Appeals would potentially have that power.

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Mr. Lucas said his last point is the administration is undergoing a major overhaul in a lot of these areas under the zoning code, which they anticipate taking effect within a year. He is unsure if this will have any impact on their CUP ability. He would suggest the Planning Commission limit this CUP to one year, in particular, regarding the vaping components, so he will have a vested property right for a year and would be protected and would have to come back before this commission again. Mr. Butler said they would go to BZA to modify these times if they choose at a later date.

Mr. Lucas said the following items will be added to the Conditional Use Permit:

C.O. 1155.04 USE-SPECIFIC REGULATIONS.

(v) Gasoline Station. In a G-B and L-G District, a gasoline station may be permitted in compliance with the following:

(1) Gasoline stations located on a corner lot shall have not less than 200 feet frontage on each of the two intersecting streets.

(2) Fuel pumps may be erected in a front yard but not less than twenty (20) feet from the public right-of-way.

(3) Driveways to provide access to a gasoline pump, platforms and curbs shall be designed in accordance with regulations adopted by the Ohio Department of Transportation.

(4) Open space adjacent to a public street right-of-way shall be landscaped and maintained in satisfactory condition in accordance with Section 1179.03, and, except for entrance and exit drives and permitted signs, shall not be used for any other purpose.

(5) A canopy may be constructed over the pump island provided the canopy shall be no closer than twenty (20) feet to the right-of-way.

(6) No junk or unlicensed motor vehicles shall be permitted to be parked or stored on the property. No inoperable vehicle shall be permitted to remain on the property for more than forty-eight (48) hours.

(7) All activities provided at gasoline stations, except those required to be performed at a fuel pump, air dispenser, or self-serve automobile vacuum, shall be carried on entirely inside a building.

(8) All outdoor loud speaker systems shall be approved as part of the site plan and shall not create a nuisance for adjacent properties.

(9) On a corner lot, the location of access drives to the street shall be placed as far from the intersection as possible and shall be limited to no more than one access drive per fronting street.

(10) A gasoline station may be combined with any other permitted use provided the parking space requirements for both uses are met.

C.O. 1155.04 USE-SPECIFIC REGULATIONS.

(qq) Retail Sales (electronic cigarettes and vaping devices) shall comply with the following additional requirements:

(1) The conditional use permit shall only be issued to an owner/operator or lessee operator.

(2) Full compliance with all licensing requirements of any governmental agency.

(3) No person shall sell or otherwise distribute electronic cigarettes or vaping devices from a vending machine open to the general public.

(4) No retail sales, dispensing or distribution of the Retail Sales (electronic cigarettes or vaping devices) by acceptance or redemption of any coupons, price promotion, or other instrument or mechanism, that provides these products to a consumer at no cost or at a price that is less than the non-discounted, standard price issued by a retailer on the product item is permitted.

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(5) No retail sales, dispensing or distribution of the Retail Sales (controlled substances) product shall be made between the hours of 10:00 p.m. and 5:00 a.m.

Mr. Butler said it will be unlikely they will be obtaining any building permits prior to spring, 2025, so by the time they are finished with construction the CUP will be expiring. They anticipate opening late summer or early fall of 2025. The board will put an expiration date for the CUP of eighteen months from the date of issuance. Mr. Butler was concerned that the CUP would expire and they could not operate the gas station. Mr. Kary said they would just need to resubmit to come back before it expires and at that time they would discuss any new conditions, legislation etc. relevant to this CUP. Mr. Lucas said the conditions for a gas station probably will not change, it would more than likely be the retail sales vaping and things of that nature. Mr. Butler said they would ask for this to be a permanent CUP. Chairman Norris said approximately 3-4 years ago the commission began putting expiration dates on CUPs as a way to protect the city and Planning Commission from approving something with no recourse with setting of conditions that may not work out. Mr. Lucas read C.O. 1155.04 (qq) to the applicant. Mrs. Grinstead asked to whom the CUP should be made out to and Mr. Butler said Seven Star Properties, Rajinder Kumar.

Chairman Norris reiterated the conditions for the CUP as follows: 1) Hours of operation are 24 hours, 7 days a week, 2) Dumpster shall be enclosed, 3) Any outdoor lighting is contained to the subject property, 4) Any piped in outdoor music shall be at a conversational level, 5) No live music shall be permitted, 6) No outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week, 7) All conditions in C.O. 1155.04 (v) and C.O. 1155.04 (qq) shall apply, 8) This CUP expires in 18 months from date of issuance, (this CUP expires June 12, 2026).

Mr. Kary asked what is the name of the gas station they are representing and Mr. Butler said Shell. He asked Mr. Butler to explain the purpose of the drive thru. Mr. Butler said just for the convenience of not having to get out of the car. Mr. Kary asked if they could buy e-cigs and vape products and Mr. Butler said yes, but not after 10:00 p.m.

Mr. Capelle moved to approve a Conditional Use Permit (CUP) for a gasoline station /convenience store selling e-cigs, vape products & controlled substances in a General Business District, 4150 S.R. 306, Willoughby, OH 44094 with the following conditions: 1) Hours of operation are 24 hours, 7 days a week, 2) Dumpster shall be enclosed, 3) Any outdoor lighting is contained to the subject property, 4) Any piped in outdoor music shall be at a conversational level, 5) No live music shall be permitted, 6) No outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week, 7) All conditions in C.O. 1155.04 (v) and C.O. 1155.04 (qq) shall apply, 8) This CUP expires in 18 months from date of issuance, (this CUP expires June 12, 2026) and Mr. Cook seconded.

ROLL CALL: Yeas: Ken Kary; Jim Cook; Ben Capelle; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

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Gas Station/Convenience Store

4150 S.R. 306

(Rep.-Steven Butler, Community Civil Engineers LLC)

Development Plan/EAS#16-11-24

for gas station/convenience store

Mr. Kary addressed the EAS#16-11-24.

- **Stormwater:** Redevelopment to follow city stormwater code.
- **Traffic:** Entrance at north end no left turn, right in, right out only.
- **FD & PD:** None cited
- **Noise, water, air pollution:** None cited
- **Impact on schools:** None cited
- **Hazardous waste:** Disposed of properly.
- **Timeline:** Begin: Spring, 2025 Complete: Late summer/early fall 2025

Regarding ingress/egress, the southern driveway the hotel used out to S.R. 306 also cannot get across S.R. 306 due to the new island. The main entrance is further south in front of the healthcare center.

Chairman Norris noted that in the zoning comments from the city it says a drive thru should have a CUP. It was noted the drive thru was left off the agenda but was advertised in the legal notice. The drive thru will be included in the CUP and the agenda amended due to a clerical error.

Mr. Capelle made a motion to reconsider the CUP for the gasoline station/convenience store selling e-cigs, vape products & controlled substances & drive thru and drive in facilities in a General Business District located at 4150 S.R. 306, Willoughby, OH 44094 to include what was clerically omitted off the agenda for the drive thru and Mr. Cook seconded.

ROLL CALL: Yeas: Ben Capelle; Ken Kary; Jim Cook; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

Mr. Capelle moved to approve and amend the previous motion for the Conditional Use Permit (CUP) for a gasoline station /convenience store with retail sales of e-cigs, vape products & controlled substances and a drive thru and drive in facilities in a General Business District, 4150 St. Rt. 306, Willoughby, OH 44094 with the following conditions: 1) Hours of operation are 24 hours, 7 days a week, 2) Dumpster shall be enclosed, 3) Any outdoor lighting is contained to the subject property, 4) Any piped in outdoor music shall be at a conversational level, 5) No live music shall be permitted, 6) No outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week, 7) All conditions in C.O. 1155.04 (v) and C.O. 1155.04 (qq) shall apply, 8) This CUP expires in 18 months from date of issuance, (this CUP expires June 12, 2026) and Mr. Cook seconded.

ROLL CALL: Yeas: Ken Kary; Jim Cook; Ben Capelle; Steve Norris, Chairman
 Absent: Mike Wildermuth

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Nays: None

Motion Carried: APPROVED

Mr. Lannon said he had some comments the applicants may not be aware of. Sidewalks are required for all developments per code. There are no sidewalks to the south but there are new sidewalks on the bridge due to the new O.D.O.T Safety Study. Sheetz did not put in sidewalks but did pay a deposit for the city to put in future sidewalks, which may also be an option for this applicant. The sanitary sewer downstream from this property is in bad shape and needs rehabilitated and/or replaced. He would recommend the commission ask the applicant if they would be willing to sign off on a TIF. There would be an increase in future property values. The increase in property taxes would be diverted for some period of time for capital improvements subject to City Council's approval. He has seen easements for this property, but for the record asked the applicant to resubmit those easements to show they are current and still applicable. As far as traffic impact, he believes Sheetz did an intensive traffic study and would have included some level of traffic from this parcel. They could use that traffic study to verify that this business is not increasing traffic to the extent a traffic signal is warranted.

Mr. Capelle asked if the code does require sidewalks in the front of this facility. Mr. Lannon said yes, for the frontage, but he is not addressing the internal circulation, but the code does address internal pedestrian circulation. Mr. Capelle said you need to have a walking path from the right-of-way to the building for safety. Mr. Butler said they do show a striped crosswalk to the right-of-way. He said once the sidewalk is in, then they can connect it to their crosswalk. Mr. Butler said they did submit a traffic analysis. Mrs. Grinstead gave Mr. Lannon a copy. Mr. Butler said it was determined there was a negligible change from their use to what the restaurant was.

Chairman Norris asked Mr. Butler if they would be ok with signing the TIF document and he said yes. Chairman Norris said both of those northern driveways will be right in and right out only and Mr. Butler said yes, they already are. Mr. Butler said he would have to check on the easement with the former Lake Hospital medical building. Chairman Norris said if they are able to obtain a new easement with the property owner that is acceptable also. Mr. Butler said they do not want to be forced into a negotiation for a left out, so they would only have right in and right out turns only, if they cannot produce the easement agreement. Chairman Norris said they need to install sidewalks or pay a deposit. Mr. Capelle said he is very against doing a deposit because then there is no knowledge of when the sidewalks would be installed. Mr. Lannon said the code does not reference a deposit, so they can require the sidewalks to be installed. Mr. Butler said they will agree to install the sidewalk just along their frontage. Chairman Norris said it will have to be connected to the interior pedestrian crosswalk.

Mr. Butler said they are proposing to reduce the amount of asphalt to the north, which will reduce the water flows so there is no need for any detention. The dumpster is on the west side of the property and the canopy will be on the south side and has five dispensers. They will add a small 1,100 sq. ft. addition on the north side of the building. They are adding an electric charging station (parking space 11 on site plan) and making sure it is handicapped accessible. There are also charging spaces for parking spaces 12 and 13.

Mr. Butler said they are proposing to keep and maintain much of the existing landscaping. The new ground sign will be between spaces 13 and 14 and will add some landscaping around the signage. Mr. Kary asked if there is a fence which is shown in one of the renderings and Mr. Butler said no.

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Chairman Norris said there is an area west of the building that looks like a path. Mr. Butler said that is a sidewalk for the staff to get to the dumpster. He asked if there is any outdoor seating and Mr. Butler said no. Chairman Norris said if any of the plantings are missing or dying then can they replace them with the boxwoods, hostas or daylilies as shown on the rendering and Mr. Butler agreed.

Mr. Capelle asked if the store will be branded differently than the Shell canopy. Mr. Butler said yes, it will be different. Mr. Capelle asked if the building will be painted. Mr. Butler said he is unsure because the architect put together the rendering but believes they will keep the existing colors.

Chairman Norris asked how many employees will be working and Mr. Butler said one or two. Chairman Norris said the required number of parking spaces is 43 + 1 per employee for a total of 45 spaces if there are two employees. They are proposing 19 parking spaces including stacking at the pumps. He said Planning Commission has the ability to approve less than what is required, so after some discussion it was decided they will add 8 parking spaces for a total of 27.

Chairman Norris reiterated the conditions for approval of the Development Plan/EAS. A sidewalk is required in the front along St. Rt. 306 connecting with the building for interior pedestrian traffic. Signing of a TIF. Restricting ingress/egress for the two most northern drives to right in, right out only, no left turns. In regard to landscaping, that it be maintained and replaced with boxwoods, hostas and daylilies if needed. The trees being proposed need to be 2" caliper per code. Also, for parking they will reduce the required number of spaces from 45 maximum to a total of 27.

Mr. Capelle moved to approve the Development Plan/EAS#16-11-24 for a gas station/convenience store, 4150 St. Rt. 306, Willoughby, OH 44094 as submitted but with the comments previously stipulated by the Chairman: Sidewalk is required in the front along St. Rt. 306 connecting with the building for interior pedestrian traffic. Signing of a TIF. Restricting ingress/egress for the two most northern drives to right in, right out only, no left turns. In regard to landscaping, that it be maintained and replaced with boxwoods, hostas and daylilies if needed. The trees being proposed need to be 2" caliper per code. Also, for parking they will reduce the required number of spaces from 45 maximum to a total of 27 and Mr. Cook seconded.

ROLL CALL: Yeas: Jim Cook; Ben Capelle; Ken Kary; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

Smokerz Drip
34302 Euclid Ave.
(Rep.-Dan Eggert, General Manager)

**Conditional Use Permit
smoke/vape shop selling
controlled substances**

Mr. Eggert, General Manager is representing the Conditional Use Permit for Smokerz Drip, 34302 Euclid Ave., Willoughby, OH 44094.

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Mr. Eggert said he is requesting a change of hours from what he originally requested on his application to 24 hours, 7 days a week because the owner lives in Detroit and makes deliveries sometimes in the middle of the night. The deliveries are brought in via car in the front of the building. Chairman Norris said a condition of the approval will be deliveries must be made in the front of the store so this protects the residents behind the strip plaza. One of the other conditions will be to follow the regulations of C.O. 1155.04 (qq). The dumpster shall remain enclosed. No outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week. No outdoor storage shall be permitted. They hope to open before the end of December, 2024. This CUP will terminate one year from the date of issuance. He explained to the applicant that he would have to come back in one year to renew this CUP.

C.O. 1155.04 USE-SPECIFIC REGULATIONS.

(qq) Retail Sales (electronic cigarettes and vaping devices) shall comply with the following additional requirements:

- (1) The conditional use permit shall only be issued to an owner/operator or lessee operator.
- (2) Full compliance with all licensing requirements of any governmental agency.
- (3) No person shall sell or otherwise distribute electronic cigarettes or vaping devices from a vending machine open to the general public.
- (4) No retail sales, dispensing or distribution of the Retail Sales (electronic cigarettes or vaping devices) by acceptance or redemption of any coupons, price promotion, or other instrument or mechanism, that provides these products to a consumer at no cost or at a price that is less than the non-discounted, standard price issued by a retailer on the product item is permitted.
- (5) No retail sales, dispensing or distribution of the Retail Sales (controlled substances) product shall be made between the hours of 10:00 p.m. and 5:00 a.m.

Chairman Norris reiterated the conditions of approval as follows: hours of operation are 24 hours, 7 days a week, dumpster must remain enclosed, no outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week, no outdoor storage shall be permitted, all conditions in C.O. 1155.04 (qq) shall apply and this CUP will terminate one year from the date of issuance.

Mr. Capelle moved to approve the Conditional Use Permit for Smokerz Drip, 34302 Euclid Ave., Willoughby, OH 44094 for a smoke/vape shop selling controlled substances with the following conditions: 1) Hours of operation are 24 hours, 7 days a week, 2) Dumpster shall remain enclosed 3) No outdoor maintenance shall be performed from midnight to 6:00 a.m., 7 days a week, 4) No outdoor storage shall be permitted, 5) All conditions in C.O. 1155.04 (qq) shall apply, 6) This CUP expires one year from date of issuance, (this CUP expires December 12, 2025) and Mr. Cook seconded:

ROLL CALL: Yeas: Ben Capelle; Ken Kary; Jim Cook; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

Smokerz Drip
34302 Euclid Ave.
(Rep.-Dan Eggert, General Manager)

Development Plan/EAS#15-10-24
smoke/vape shop selling controlled
substances

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Mr. Eggert said he does not understand why they had to do a Development Plan because they are not doing anything to the outside of the building. All renovations are internal.

Mr. Kary addressed the EAS#15-10-24.

- **Stormwater:** None cited
- **Traffic:** None cited
- **FD & PD:** None cited
- **Noise, water, air pollution:** None cited
- **Impact on schools:** None cited
- **Hazardous waste:** None cited
- **Timeline:** Will open end of December, 2024

Mr. Eggert said the interior of the building is ready and they are currently installing the new flooring. This space was a former nail salon. Chairman Norris corrected a few items on the Attachment A on the EAS (corrected in record).

There were no questions regarding the development plan.

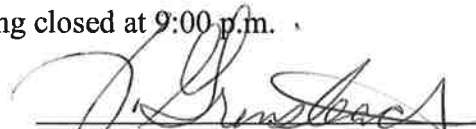
Mr. Capelle moved to approve the Development Plan/EAS#15-10-24 for Smokerz Drip, 34302 Euclid Ave., Willoughby, OH 44094 for a smoke/vape shop selling controlled substances as submitted and Mr. Cook seconded.

ROLL CALL: Yeas: Ken Kary; Jim Cook; Ben Capelle; Steve Norris, Chairman
 Absent: Mike Wildermuth
 Nays: None

Motion Carried: APPROVED

There being no further business the regular meeting closed at 9:00 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary