

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
MARCH 14, 2024  
REGULAR MEETING  
MINUTES**

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

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

**MINUTES**

**Public Hearing Meeting Minutes**

**February 22, 2024**

Mr. Kary moved to approve the Planning Commission Public Hearing Meeting Minutes for February 22, 2024 as submitted and Mr. Capelle seconded.

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

**Motion Carried:     APPROVED**

**Regular Meeting Minutes**

**February 22, 2024**

Mr. Capelle moved to approve the Planning Commission Regular Meeting Minutes for February 22, 2024 as submitted and Mr. Kary seconded.

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

**Motion Carried:     APPROVED**

**OLD BUSINESS**

**Dukes N' Boots**  
4027 Erie St.  
(Rep.- Greg Brown, Owner)

**Conditional Use Permit for outdoor  
dining**

Mr. Capelle moved to untable the Conditional Use Permit for Dukes N' Boots, 4027 Erie St., Willoughby, OH 44094 and Mr. Kary seconded.

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

**Motion Carried:     UNTABLED**

Mr. Brown, Owner, 36550 Jackson Rd., Moreland Hills, OH 44022 is representing the Conditional Use Permit (CUP) for Dukes N' Boots, 4027 Erie St., Willoughby, OH 44094.

Chairman Norris informed Mr. Brown that only three of the five members are present this evening and he would need all three votes in favor to pass his application and Mr. Brown wished to proceed.

Chairman Norris said this Conditional Use Permit (CUP) has expired and this will be a new CUP and the previous conditions will be reviewed and changed if necessary. He asked Mr. Brown if he is asking for any changes to the CUP conditions. Mr. Brown said he is asking to make the CUP permanent for their outdoor patio/dining. He said they have had no issues with the patio or the patrons.

Chairman Norris reiterated the conditions stated on the former CUP that will be transferred to the new CUP as follows: 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 conversational 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 and will be removing item #5 which is the termination date for the CUP.

Mr. Kary said this does not have anything to do with his CUP but is a policy throughout the city that when they have live music inside the facility they keep their front garage style windows closed so the sound does not migrate to the outdoors and Mr. Brown said he understands.

Chairman Norris said if there are any trash cans on the outdoor patio that they need to be emptied nightly and will be a condition added to this CUP and Mr. Brown agreed. They have added this condition to other CUPs with outdoor dining as well.

Chairman Norris said they are removing the previous verbiage for item #5 with the termination date but replacing the verbiage with the removal of the trash on the outdoor patio nightly.

Mr. Kary moved to approve the Conditional Use Permit 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 conversational 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%

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of the indoor seating 5) Trash on the outdoor patio shall be emptied nightly for Dukes N' Boots, 4027 Erie St., Willoughby, OH 44094 and Mr. Capelle seconded.

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

**Motion Carried:     APPROVED**

*This item remains tabled per the applicant's request*

**Cardinal Credit Union**

37203 Euclid Ave.

(Rep.- Christine Blake, Cardinal Credit Union,  
Chuck Szucs, Polaris Engineering & Surveying &  
Andrew Pearson, TMS)

**Development Plan/EAS#1-2-24  
for a new building**

**Union Pointe (Former Union High School)**

25 Public Sq.

(Rep.- Justin Gance, Sol Harris Day Architecture & Mr. Brett)  
Dawson of Payne and Payne)

**Development Plan/EAS#5-1-24  
for 40 apartments & 18 townhomes  
PPN#27-A-029-0-00-004-0 & 001-0**

Mr. Capelle moved to untable the Development Plan/EAS#5-1-24 for Union Pointe, 25 Public Square, Willoughby, OH 44094 and Mr. Kary seconded.

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

**Motion Carried:     UNTABLED**

Mr. Gance, 6677 Frank Ave. NW, N. Canton, OH of Sol Harris Architecture and Brett Dawson, 10237 Old Orchard Dr., Brecksville, OH of Payne and Payne are representing the Development Plan/EAS#5-1-24 for Union Pointe, 25 Public Sq., Willoughby, OH 44094.

Chairman Norris informed Mr. Gance that only three of the five members are present this evening and he would need all three votes in favor to pass his application and Mr. Gance wished to proceed.

Mr. Kary addressed the EAS:

He asked if there will be forty apartments and eighteen townhomes and Mr. Gance said that is correct.

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- Stormwater, WPCC: city engineer should evaluate sanitary sewer capacity. Urban redevelopment follows code.
- Traffic: No issues. Operated w/no issues when it was a school.
- FD & PD: FD all necessary resources are available to area. PD: no concerns.
- Noise, water, air pollution: no concerns
- Minimal impact on school system/commensurate with the addition of 58 housing units.
- Hazardous waste: No concerns
- Noise, water, air pollution: No concerns, more green space than when it was a school and less traffic.
- Lake County Utilities: If two parcels, must have two water meters; one for each.
- Timeline: Begin: May, 2024, Complete: December, 2025  
Apartments & townhomes will be built simultaneously.

Mr. Kary said they are also providing 44 parking spaces for the 40 apartments and 72 total spaces for the townhomes (2 garage spaces and 2 driveway spaces per unit). These units are geared toward empty nesters. Mr. Gance said there is asbestos in the school building. They have a completed asbestos survey and have bids to fully abate the building; this includes the buildings being demolished as well as the renovated apartments. Mr. Gance assured Mr. Kary the apartments and townhomes will be completed by December of 2025 because of the rolling clock for the tax credits. They are required to begin construction from the time of their award, which was the summer of 2023 so they are up against deadlines and need to begin as soon as possible.

Chairman Norris addressed Attachment "A" on the EAS form. The entire building has an automatic sprinkler system which refers to the apartment building only and Mr. Gance said yes. He asked if the townhomes have basements and Mr. Dawson said yes, they all have full basements. He said the townhomes are Type IIIB, and assumes the apartments are a Type II building and Mr. Gance said yes Type IIB. Townhomes are not sprinklered. The height of the apartment building is 45' and the 4-story townhomes are 40'. Both have below grade areas; one story below grade for both.

Chairman Norris addressed the Development Plan. He said the Staff Report states the setbacks are non-conforming but they were granted variances by the Board of Zoning Appeals on February 28, 2024 and also received Design Review Board approval on February 7, 2024.

Mr. Kary said he is disappointed in the landscaping plan submitted. He would have liked to have seen elevations of landscaping instead of the arial view presented. He said landscaping is a critical element to developments. Mr. Gance asked if Mr. Kary was referring to the apartment building and Mr. Kary said yes. Mr. Gance said they have to be very careful with what they do from the historic preservation standpoint. If they do too much landscaping it obstructs the historic front elevation and they will get push back. They had to suggest not doing landscaping to obtain the tax credits. This includes the front and side of the apartment building which are considered historic facades. They will mow the grass and maintain what is there. Mr. Kary said they have an abundance of windows and then a core where there are no windows and said this is a perfect spot for some landscaping. Mr. Gance said he agrees and in the back they will look at them as they proceed through the development process and especially

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the ground floor apartment units. He said they will buffer those ground floor apartments from the parking itself. Mr. Dawson said the other thing not shown on this plan are the individual landscape packages for the townhome units. The patio spaces will include shrubbery. The units facing Euclid Avenue are slightly elevated and they will add a boulder rock type retaining wall. Mr. Kary said it sounds great but he cannot see it.

Mr. Kary said since there are two parcels they will be two water meters. Mr. Dawson said each townhome will be metered individually. The parcels will not share a water meter.

Chairman Norris asked if there will be screening or fencing along the western and southern edges for the townhomes. Mr. Dawson said there will be some sort of screening such as evergreens or fencing but they have not made a final determination on this item. They want to give the homeowners some privacy. Chairman Norris said he assumes the townhomes will have an H.O.A. and Mr. Dawson said yes. Chairman Norris said if they decide to add shrubbery then it should be added to the H.O.A. docs that these shrubs or fencing should be maintained and replaced if needed and Mr. Dawson agreed. Mr. Dawson said they are leaning toward fencing. Chairman Norris said this should be the same style fencing throughout. He said if they decide on a fence then they must submit their fence application to the Design Review Board prior to installation along with a fence permit submitted to the Building Department.

Mr. Capelle asked if they would be the long term operators of this apartment building. Mr. Gance said yes and they have engaged the services of a local property management company (Great Lakes Realty) to answer calls, do exterior property maintenance and clean the building.

Mr. Kary wanted to clarify that there will be no fencing for the townhomes fronting Center St. and Euclid Ave. and Mr. Dawson said no there will be patio spaces with shrubs around them. If they did install fencing it would be an open rail wrought iron bronze style fence because they do not want to obstruct the architecture.

Mr. Capelle said he noticed the handicap parking is quite a distance away from the building. Mr. Gance said these parking spaces should be the closest spaces to the door on the west elevation. Mr. Gance said they will eliminate the stairs and grade down to that floor level or will have a ramp along the side of the building at that location. The elevator is close to this location or west elevation as well.

Mr. Capelle moved to approve the Development Plan/ EAS#5-1-24 for 40 apartments & 18 townhomes for Union Pointe, PPN#27-A-029-0-00-004-0 & 001-0/25 Public Sq., Willoughby, OH 44094 and Mr. Kary seconded.

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

**Motion Carried:     APPROVED**

**NEW BUSINESS**

**The Yard on 3<sup>rd</sup>**

38040 Third St.

(Rep.- Jason Beudert, Owner & Katie Uminski, Operating Partner)

**Conditional Use Permit**

Mr. Beudert, Owner and Katie Uminski, Operating Partner are representing the Conditional Use Permit (CUP) for The Yard on 3<sup>rd</sup>.

Mr. Beudert said they would like to pursue a permanent CUP for their business.

Chairman Norris said there are currently twelve conditions on this CUP and will be removing #12 which is the expiration date. The applicant did not wish to change any other conditions on the CUP.

Chairman Norris informed Mr. Beudert that only three of the five members are present this evening and he would need all three votes in favor to pass his application and Mr. Beudert wished to proceed.

Mr. Kary wanted to clarify item #6, the temporary fence. This fence is erected on the Fuller Flooring parking lot that surrounds the food truck area to prevent patrons from navigating onto the neighboring property and is stored inside the building when not in use and Mr. Beudert said that was correct. He said for item #7 there will never be more than two food trucks on the premises at any given time. Mr. Beudert said yes and as they have perfected the model they found that having only one truck is the best so they sell out and do well. He said eighty percent of the season there will only be one truck. Mr. Kary said item #9 says bi-weekly and he would prefer to change this to a weekly clean up for the food trucks and Mr. Beudert agreed. Mr. Kary also wants to add an item to the CUP. He said there has been some concern about generators for the food trucks. He understands that if the food truck arrives and they do not have the right adapter then they cannot operate. Mr. Beudert said they deal with more than sixty food trucks a year and they are all different and some of them do not fit the universal adapters they provide on-site. They prefer not to have the generators running either because it is a distraction for the patrons. Mr. Beudert said they are modifying their hours, so lunch is not a factor, so it will be only evening service and weekend lunches so it should not affect too many surrounding businesses if they have to use their generator.

Mr. Capelle said if there is a power outage and a business needs to use a generator that constitutes an emergency. After some discussion it was decided to add the condition of generators for food trucks are not permitted unless emergency power is needed.

Ms. Uminski said she has scheduled all of the food trucks for this season and all of them fit the universal adapters they provide but encourages them to bring their generator in case of emergency.

Mr. Capelle moved to approve the Conditional Use Permit with the following conditions: 1) Hours of operation: 24 hours, 7 days a week with no maintenance or deliveries Sunday-Thursday 10pm-8am and Friday and Saturday 12am-8am 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 must

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remain at conversational level and live or piped in music be 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 at a time are allowed to serve the premises, 8) Portable bathrooms are not allowed on site, 9) Seasonal weekly clean-up where food trucks are parked shall be in compliance with outdoor cleaning regulations, 10) No outdoor powered appliances shall be permitted, 11) They must comply with all the special conditions set forth by the Water Pollution Control Center (WPCC) in the water discharge permit, 12) Generators for food trucks are not permitted unless emergency power is needed for The Yard on 3<sup>rd</sup>, 38040 Third St., Willoughby, OH 44094 and Mr. Kary seconded.

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

**Motion Carried:     APPROVED**

There being no further business the regular meeting closed at 7:56 p.m.

  
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Steve Norris, Chairman

  
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Vicki Grinstead, Secretary