

**PLANNING COMMISSION
CITY OF WILLOUGHBY
MARCH 25, 2021
REGULAR MEETING
MINUTES**

PRESENT: K. Kary; J. McCue; M. Wildermuth; M. Merhar; S. Norris, Chairman
ABSENT: None
OTHERS: Stephanie Landgraf, Asst. Law Director; Tim Lannon, City Engineer;
Darryl Keller, Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary

Chairman Norris called the regular virtual Zoom meeting to order at 7:11 p.m.

MINUTES

Public Hearing Meeting Minutes

March 11, 2021

Mr. Kary moved to approve the Planning Commission Public Hearing Meeting Minutes for March 11, 2021 as submitted and Mr. Wildermuth seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

March 11, 2021

Mr. Kary moved to approve the Planning Commission Regular Meeting Minutes for March 11, 2021 as submitted and Mrs. McCue seconded.

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

Motion Carried: APPROVED

**City of Willoughby
Regular Meeting Minutes
Planning Commission
March 25, 2021**

OLD BUSINESS

Chairman Norris said Browning Willoughby LLC has asked to be tabled until the next scheduled meeting of the Planning Commission.

Browning Place Apartments

38032 Brown Ave.
(Rep.- Dal Jaffray, Browning Willoughby LLC)

Conditional Use Permit

Chairman Norris said Browning Willoughby LLC has asked to be tabled until the next scheduled meeting of the Planning Commission.

Browning Place Apartments

38032 Brown Ave.
(Rep.- Dal Jaffray, Browning Willoughby LLC)

Development Plan/EAS

NEW BUSINESS

Ridge Estates

Shankland and Ridge Rd.
(Rep.-Jeff Smul, ALM Lake Properties LLC)

Final Plat & Improvement Plans

(PPN#27-A-008-0-00-019-0)

Mr. Smul of ALM Lake Properties LLC is representing his application for a Final Plat and Improvement Plans for Ridge Estates.

Mr. Kary said all the driveway accesses will be on Shankland and Mr. Smul said yes. He said Mr. Smul noted the gas well will be plugged and capped by ODNR requirements and Mr. Smul said that is correct. Mr. Kary said he is meeting the landscaping requirement by putting a tree on each lot. He asked what the projected start date will be for the first home. Mr. Smul said he hopes by late spring. The homes will be built as they are sold and Mr. Smul is the builder. Mr. Kary asked if Mr. Smul will be installing sidewalks on Shankland and Mr. Smul said yes.

Mrs. McCue said the Planning Commission, at a previous meeting, inquired about a hedge that runs along the property line (first lot north of the project) and wondered if he had any further information as to whether the hedges would remain, and if not, would they be replaced so the homeowner is not looking at the basin. Mr. Smul said he has not looked at the hedge in relation to the basin. He said they are required to put in that storm swale in the ten-foot easement. He will do all he can not to touch the hedge if possible. Mr. Wildermuth said this was a conditional question they had asked at the last meeting and it has still not been addressed. He said if it is removed they would like to see it replaced in kind. Mr. Merhar said if the hedge is not on the resident's property he does not understand why they are asking the developer to replace it. Mr. Smul said he did not understand why this hedge would be on

**City of Willoughby
Regular Meeting Minutes
Planning Commission
March 25, 2021**

his property and he would not commit to saying yes because he wants to look at it and see where it is in relation to what work needs to be performed. He said if the hedge is 170' deep it may be quite an expense to replace it. He said if he can trim it up and is able to leave it he will.

Chairman Norris asked if the storm water detention they are installing is sufficient for the first five lots being constructed or is it for the total subdivision in Block "A". Mr. Lannon said there is room to expand it if it is not sufficient and appears that it is for more than is what is just shown in this plat.

Dusty Keeney of Polaris Engineering said that the basin has been sized properly to not only accommodate the current lots, but also potential future expansion. He said they do have all the calculations and will forward to Mr. Lannon for review. Mr. Lannon will see these during the review process and is comfortable with the Board giving their approval this evening.

Mr. Kary moved to approve the Final Plat and Improvement Plans for Ridge Estates, Shankland and Ridge Rds., Willoughby, OH 44094 as submitted and per the minutes of March 25, 2021 and Mr. Merhar seconded.

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

Motion Carried: APPROVED

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

**Conditional Use Permit
(offices & outdoor patio)**

Mr. Joe Myers of Joseph Myers Architects and Mr. Ken Boyd, Building Owner are representing this application for a Conditional Use Permit (CUP) for the Charlton Abbott Building.

Mr. Wildermuth said he has done a number of co-work spaces that depend heavily on common areas that are shared with grab and go items. He is in favor of this CUP and had concerns about the patios, but now has clarification that the patios are gardens, and knowing the CUP will address the use for these, should be sufficient to alleviate any questions the Board may have.

Mr. Kary asked Mr. Boyd to define "members" and what is the maximum number of members. Mr. Boyd said the membership will be determined by whatever occupancy is allowed. He said there will be three different membership and are as follows: General or Grounds Membership which allows access to the patios and gardens. The second membership is for the Mailbox Room which allows you to have your business there and use the address and shipping services. The third membership, Business Use, would entail renting the spaces on a weekly, monthly or hourly basis and there is a discount involved with this membership. He said they are expecting, from their initial interests, as many as 500 Grounds memberships, 250 Mailbox memberships and 100 Business Use

**City of Willoughby
Regular Meeting Minutes
Planning Commission
March 25, 2021**

Premium memberships. He said there is a formula they use based on how many hours are actually subscribed to by the 100 members who have preferable treatment.

Mr. Kary said he mentioned 500 members and asked if there would be 500 people there at any given time and Mr. Boyd said no. Mr. Kary asked if the café and food service would be for the members and their clients and asked how many people will be allowed on the patios. Mr. Boyd said 24 on one patio and 30 on the other, for a maximum of 54 people for both patios.

Mr. Wildermuth asked what the hours of operation would be. Mr. Boyd said 5:30 a.m. until 10:00 p.m., with the actual open hours from 6:00 a.m. until 9:00 p.m. Monday through Friday. He said on Saturdays 7:30 a.m. until 11:30 p.m. with the actual open hours from 8:00 until 11:00 p.m. The earlier hours give the staff time to open and clean up. Mr. Wildermuth said any events on the patios will be over by 9:00 p.m. and Mr. Boyd said that is correct. Mr. Wildermuth asked about what the plan is to illuminate the patio/gardens. Mr. Boyd said their plan is to install accent lighting, featuring the front of the building and projecting into the hedges on the outside. They will also install low-level landscape lighting on the interior. The light will be no higher than knee high. There will be no flood lighting.

Chairman Norris asked if they will be closed on Sunday and Mr. Boyd said that is correct. Mr. Boyd said they are in discussion with some faith-based organizations that may be interested in using the gardens on Sundays. Chairman Norris asked Mr. Boyd if he would now like to add Sunday hours and Mr. Boyd said yes, he would like Sunday hours of 8:00 a.m. until 8:00 p.m. Mr. Boyd said the church would have to have a membership in order to use the gardens. There will be no church services held in the gardens/patios.

Mr. Kary asked if a member reserves the gardens for an event, the literature he read, states they can bring in their own alcohol and asked for clarification on this item. Mr. Myers said he believes this is correct, he does not have a liquor license to serve alcohol. Mr. Kary asked Mr. Keller if the CUP is for the offices and patios or just the patios. Mr. Keller said under the Schedule of Permitted Uses, it says offices, administrative, professional and business. These are conditional uses in Limited Residential areas. It would encompass the building for business purposes and also the patio. Mr. Kary asked about the alcohol being allowed. Mr. Keller said he does not believe the city can regulate alcohol consumption and it is up to the Board of Liquor Control for the State of Ohio and deferred to Ms. Landgraf, Esq. Ms. Landgraf said that is correct, if they are serving food they need to comply with the State of Ohio rules and regulations.

Mr. Merhar is concerned this is more of a party or event center. Mr. Myers said this would be for an occasional event and would not happen on a day-to-day basis. Mr. Merhar said a typical office is not open at 11:00 a.m. and closes at 11:00 p.m. Mr. Boyd said he works with CPA's, attorneys and insurance agents that are working many different time zones and is staying later to accommodate these clients.

Mr. Kary asked about music. Mr. Boyd said no one will be bringing their own music. He said any music provided will be at conversational level. The music will be piped in from the interior of the building to the outside and controlled by the owner. Mr. Kary asked if a private organization/citizen asked to rent the gardens would he allow it and Mr. Boyd said no, you would have to be a member.

**City of Willoughby
Regular Meeting Minutes
Planning Commission
March 25, 2021**

Mr. Boyd said they will have software to handle scheduling of office space and grounds. They will also have key fobs to track who is on the grounds at all times. He said they will monitor their occupancy. Mrs. McCue asked if a staff member will be on-site to regulate this and Mr. Boyd said yes.

Chairman Norris asked if the patios are connected and Mr. Boyd said no. Chairman Norris said so one person cannot utilize both patios at the same time and Mr. Boyd said no.

Mr. Keller asked Mr. Myers if he has calculated an occupancy load and Mr. Myers said he has not yet calculated a full occupancy.

Mr. McCue asked if they meet the parking requirements for the use and Mr. Keller said yes. Mrs. McCue said she has concerns as to where vehicles will park during large events. Chairman Norris shares Mrs. McCue's concerns regarding parking. Mr. Keller said the parking was calculated for office space inside the building. He said they added a few more parking spaces than were existing. It was calculated based on parking space requirements for 350 sq. ft. of office space. Mr. Boyd said he spoke to both his adjacent neighbors about a possible parking agreement. There was more discussion on this subject. The maximum occupant load for the building interior will be a maximum of 50 and the outdoor patio loads will be 30 and 24 for a total of 54. Mr. Kary said in order for the Board to move forward with this CUP there would have to be a condition in the CUP that Mr. Boyd would have to work with his neighbor(s) to accommodate for possible parking overflow that could take place in an unprecedented event for this CUP to remain active. If he did not obtain this agreement the CUP will be null and void. It was decided that Mr. Boyd must secure an additional ten parking spaces and have an agreement with one of his adjacent neighbors and Mr. Boyd agreed.

Chairman Norris asked where the dumpster was located. Mr. Myers said it was behind the barn and is enclosed by landscaping. Mr. Wildermuth asked if there was a gate and there is not, but Mr. Myers agreed they would add a gate.

Mr. Kary moved to approve the Conditional Use Permit 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 3-25-22) for the Charlton Abbott Building, 37903 Euclid Ave., Willoughby, OH 44094 as submitted and per the minutes of March 25, 2021 and Mr. Merhar seconded.

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

Motion Carried: APPROVED

**City of Willoughby
Regular Meeting Minutes
Planning Commission
March 25, 2021**

Charlton Abbott Building

37903 Euclid Ave.

(Rep.- Joe Myers, Joseph Myers Architects,
Ken Boyd, Owner)

Development Plan/EAS

Mr. Joe Myers of Joseph Myers Architects and Mr. Ken Boyd, Building Owner are representing this application for a Development Plan/EAS for the Charlton Abbott Building.

Mr. Kary would like to discuss the EAS first. Mr. Kary said there are no traffic issues and Mr. Lannon agreed. Mr. Lannon said for storm water management there should be some sort of retention due to the relocation of the parking lot. There are no fire or police issues. Chairman Norris said there was an error on Attachment "A" of the EAS. He said it was checked that there was no basement, when in fact there is a basement. He said Attachment "A" (line #5) must be amended and resubmitted. Mr. Kary said there are no issues with noise, water, or air pollution, or demands on the school system. Mr. Kary asked when they anticipate opening. Mr. Boyd said possibly July 4, 2021.

Chairman Norris said they will now address the Development Plan. He said they received a sixteen-page landscape plan, in addition to what was originally sent, late in the day today and has not had time to review it. Mr. Myers said none of what was sent is new, it was on the original landscape plan, and this was just meant to give the Board a clearer view of what was previously shown. It was not revised or changed in any way.

Mrs. McCue said the landscape plan has a great plant pallet. She said her concern was the large mature trees. She wants them to be careful of where they are placing the plant material as to not damage the root system of these trees. She asked what the aggregate is for the patios. She is concerned they are digging down 6" which could damage root systems. Mr. Myers said it is a stabilized aggregate with a gravel base with fine screening that goes over the top that water can drip through. Mrs. McCue said they should be cautious if they use limestone because it could potentially change the PH of the soil. She said they may consider moving the hedging running north and south, toward Euclid Ave. to get it further away from the tree roots, and line it up with the face of the porch. Mr. Wildermuth said they should rethink southwest corner of the patio where the tree comes down in the middle of the paved areas and Mr. Myers agreed. Mrs. McCue said the northeast corner, they should consider relocating the patio to minimize the disturbance to the tree roots and Mr. Myers understood.

Chairman Norris said Mr. Boyd alluded to the fact that he will be using key fobs to track members and guests. Mr. Boyd said he is waiting for Sievers to get back to him on this item. He said there will be some form of security.

Mr. Wildermuth said based on occupant loads the gates on the patios should swing outward and should have panic bar hardware and Mr. Myers agreed.

Mrs. McCue said regarding storm water, she wants them to be conscience of the trees.

Chairman Norris asked what the plans are for the exterior of the building. Mr. Myers said they plan to paint the exterior of the building and referred to the renderings. He said they will also be removing the shed style structure

**City of Willoughby
Regular Meeting Minutes
Planning Commission
March 25, 2021**


in the rear of the building and adding on a rear porch. He said they will be submitting to the Design Review Board shortly. Mr. Kary said the Board can make their approval contingent upon the approval of the Design Review Board's approval and Ms. Landgraf agreed.

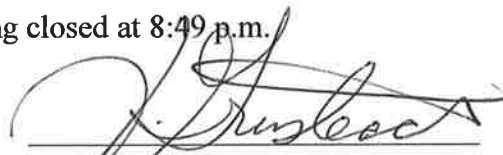
Mr. Wildermuth moved to approve the Development Plan/EAS for the Charlton Abbott Building, 37903 Euclid Ave., Willoughby, OH 44094 as submitted, but subject to the conditions that may be levied by the Historic Design Review Board and per the minutes of March 25, 2021 and Mr. Merhar seconded.

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

Motion Carried: APPROVED

There being no further business the regular meeting closed at 8:49 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary