

**PLANNING COMMISSION
CITY OF WILLOUGHBY
JANUARY 26, 2023
REGULAR MEETING
MINUTES**

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

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

MINUTES

These minutes were not yet prepared.

Regular Meeting Minutes

January 12, 2022

OLD BUSINESS

Dollar Tree

38000 Euclid Ave.

(Rep.- Joe Myers, Myers Architect, Mr. Todd Hunt, Esq.,

Mr. Mark Sims, Phil Grassie, Dollar Tree)

Development Plan/EAS#4-3-22

(retail store)

Vice Chairman Wildermuth asked the applicants if they would like to proceed with only three of the five members present this evening. Mr. Todd Hunt, Esq. for the applicant said yes to proceeding this evening.

Mr. Hunt introduced all the applicants. He said he spoke to Law Director Lucas today and based upon the language of the ordinances he did not believe the Planning Commission should review this type of Development Plan but is still willing to move forward with the Planning Commission review. Mr. Pedersen, Assistant Law Director said Mr. Hunt is objecting for the record for his client.

Mr. Hunt said he disagreed with Mr. Lucas that his client needed to do an EAS for this particular development and cited C.O. 1109.12(a) and the five subsections (in record 1-26-23, Exhibit 2) that an EAS is required and does not believe this Development Plan fits within these five requirements. He is objecting to this to protect his client but will move forward with the EAS as well.

Chairman Norris arrived at 7:14 p.m. There are now four members and the applicants still wished to proceed.

Chairman Norris asked Mr. Pedersen, Esq. even with numbers one through five being a contraindication to an EAS being required for this particular plan, this does not prohibit the developer from submitting the EAS and Mr.

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Pedersen said that is true. Chairman Norris said the applicant did submit and EAS with his Development Plan and it would not be inappropriate for the commission to review this EAS and Mr. Pedersen agreed.

Mr. Wildermuth moved to untable the Development Plan/EAS#4-3-22 for Dollar Tree, 38000 Euclid Ave., Willoughby, OH 44094 for a retail store and Mr. Kary seconded.

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

Motion Carried: UNTABLED

Mr. Kary said they would proceed with the EAS. He reviewed the reports that came from the directors:

- Stormwater, no issues for City Engineer
- Traffic-PD says will increase traffic, but no negative impact expected since there have been other businesses there previously.
- FD- minimal effect
- Noise, water, air pollution- no concerns
- No impact on schools
- Timeline: 6-month completion once all approvals are met.
- Hazardous waste: P/C will defer to WFD once construction plans/permits are applied for. They will turn over all documentation provided to P/C to Willoughby's Fire Chief and Fire Marshal and let them pursue any history or lack of information they may not have at this point as far as previous underground oil and gas storage tanks and contaminated soil. Mr. Sims said when this initially came up, he presented P/C a written report from a person in the environmental industry. Mr. Kary said he never received anything. Mr. Hunt said they have a no further action document and have a whole history that was put together by an environmental engineer and is seven pages long. Mr. Kary also has some documents including a 2006 document which will be put in a folder and sent to the WFD. Mr. Keller said whenever construction plans are submitted for renovations he reviews them for building codes and the Fire Marshal always looks at them for environmental and fire code and things of that nature. He will let the Fire Marshal know they have concerns because in discussions with B.U.S.T.E.R. and the state, they discussed contaminated ground soils and he does not know if they still exist. B.U.S.T.E.R. seems to think they do, but the applicants may have documentation that states differently. The Fire Marshal may choose to do nothing with it because they are not disturbing the soil, but they want to make sure he has all the documentation to make an informed decision. The client's lawyer is to provide current documents to Bldg. Chief Keller who will turn them over to WFD personnel.

Mr. Kary said the development plan they are looking at now has been approved by the Design Review Board at their last meeting. Mr. Kary said on the north side of the building where Dollar Tree's entrance will be looks like there are two different colors and asked for clarification. Mr. Myers said the side panel will be a lighter color. Mr.

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Kary said the green coping will match the existing building to the right and the gooseneck lighting and canopy will be a bronze color. Mr. Myers said the storefront will be in a bronze color as well. The martial arts building to the east and the Wilson side will remain the same color as it exists. The front of the store will remain as is, but the back will be painted to match. Mr. Myers explained that the Design Review board requested the building to be painted as per their minutes.

Mr. Kary wanted to have clarification on the monument sign. It will be 6' tall and will have relief lettering, a masonry base, no internal illumination and requires year-round ground cover and Mr. Sims said that is correct. The monument sign's location will be by the entryway and the sign on the corner of Wilson and Euclid will be removed and the wall sign is on the building.

Mr. Kary said the board's concern with retail stores in an historical district is outside storage of carts, bins, propane tanks, sales of ice on the exterior of the building. Mr. Grassie confirmed these items will not be stored outside. Mr. Wildermuth said there should be no outside sales of any kind. Mr. Kary said no parking lot displays, no flag banners are permitted or anything of that nature. Mr. Keller said temporary signs are allowed with a permit for up to thirty days; for example a grand opening.

The dumpster will be located in the back and will be enclosed and is on the site plan. Mr. Kary asked about the parking lot situation. He said there were not a lot of spaces left in that lot when he drove past the other day. Mr. Sims said his parking lot will be utilized for his three tenants only. Mr. Myers said they reviewed all the uses and square footage with Mrs. Brooks and Chief Keller in the Building Department in the beginning to make sure they had enough parking spaces. Mr. Kary asked if any ordinances that state a parking lot with multiple uses should be marked. Mr. Keller said the spaces should be clearly marked. Mr. Sims agreed to mark the parking lot.

Mr. Kary said there seems to be a lot of lighting in this area and wondered if the city could regulate this. Mr. Keller said there is an ordinance and could have addressed in the past, but they had not done so. He said now could be a good time to address it. The lights should be shielded and not go out beyond the property's boundaries. The ordinance number is 1181.05 (c) Lighting.

(1) Exterior lighting of buildings and/or parking areas shall be positioned so as not to emit light onto neighboring properties or road right-of-ways, but shall shine directly onto buildings, or be directed downward onto parking areas, access drives and pedestrian walkways.

(2) Light pollution control measures shall be taken to avoid negative impact of misdirected light. Businesses that utilize canopy lighting shall use recessed ceiling fixtures with the bottom of the lenses flush with the canopy in addition to meeting other lighting guidelines. Building mounted light fixtures and free-standing light fixtures should be in proportion with the building and shall not exceed the building height.

(3) Light Trespass. Light trespass over a commercial or industrial property line when adjoining residential properties shall be prohibited. Fully shielded light sources (full cut off) shall be used. These are shielded so that light emitted from a fixture, directly or indirectly, is projected below a horizontal plane through the lowest point of the fixture where light is emitted.

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(4) Exterior lighting shall be LED or other energy efficient fixtures utilizing 3,000K (Kelvin) or lower temperature lamps. He asked the applicant to review the lighting procedures. It was originally designed for a car lot and some of the wall packs are not necessary. He said some of the lights are not functioning and can be removed. He can if they can dim it down a little bit and comply with the above regulations. Mr. Sims agreed and wants to make it safe for everyone.

Mr. Kary said he wanted to clarify that the landscaping he will be installing needs to be maintained every year. He said if a plant dies it needs to be replaced. He said they have all applicants agree to this and cited the example of the new Aldi's going in.

Mr. Cook asked what their hours of operation will be, and Mr. Grassie said it will either be 8:00am till 9:00 pm or 9:00am until 10:00 pm. Monday through Saturday and shorter on Sundays, either 9:00am to 5:00pm or 9:00am to 6:00pm. He said it varies on based on the store team and the region and probably has not yet been decided. Mr. Cook said he knows the owner of the martial arts studio and it is not a 24/7 operation and there are times when no one is there for parking purposes. Mr. Wildermuth said the board will not regulate the store hours since this is not a Conditional Use Permit.

Chairman Norris was concerned about the size of one of the shrubs along Euclid Ave. marked standing ovation. He said it seems to be larger than the others. Mr. Sims is open to suggestions but would prefer to install dwarf options. Chairman Norris appreciates the landscaping because it is a gateway to the city and commended them for the time and effort put into this project. The alleyway will remain for the martial arts studio on the corner of Euclid and Wilson on Sheet 1 of 1 LP.1, June 21, 2022, the western piece that fronts along Euclid Ave. is marked lawn twice. There was discussion whether parallel parking would be permitted in this area. It was determined that no parking will be allowed along this area but is allowed to be a driveway. Chairman Norris suggested to mark the parking spaces that are allotted to each business.

Mr. Kary asked if Mr. Sims if he would be willing to install some nice landscaping between his back driveway and the residential Victorian home that is adjacent to it. Mr. Sims agreed to adding more landscaping for separation between the residence and his businesses. Mr. Sims said this residence uses his parking spaces which must cease. Chairman Norris said some sort of screening would benefit both parties.

Chairman Norris asked if they could enforce no carts, propane etc. in the parking lots since this is not a Conditional Use Permit. Mr. Keller said it is a city ordinance and if requested by the business would have to go back before the Design Review Board.

Mr. Wildermuth moved to approve the Development Plan/EAS#4-3-22 for Dollar Tree, 38000 Euclid Ave., Willoughby, OH 44094 for a retail store subject to the building colors and signage per the previous approval of the Design Review Board meeting (12-21-22), agreement for a lighting review of the site based on the current zoning code for light control and cut-off and east side landscape buffer between the residence and commercial site and agreement of no parking along the west side of the west drive in front of the building and Mr. Cook seconded.

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

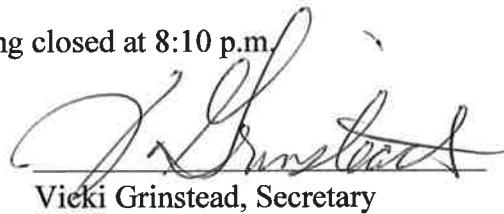
Motion Carried: APPROVED

NEW BUSINESS

None

There being no further business the regular meeting closed at 8:10 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary