

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
FEBRUARY 23, 2023  
REGULAR MEETING  
MINUTES**

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

**Chairman Norris called the regular in-person meeting to order at 7:10 p.m.**

**MINUTES**

**Regular Meeting Minutes**

**January 12, 2023**

**January 26, 2023**

Mr. Wildermuth moved to approve the Planning Commission Regular Meeting Minutes for January 12, 2023 and Mr. Cook seconded.

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

**Motion Carried:     APPROVED**

Mr. Cook moved to approve the Planning Commission Regular Meeting Minutes for January 26, 2023 and Mr. Wildermuth seconded.

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

**Motion Carried:     APPROVED**

**OLD BUSINESS**

**None**

**NEW BUSINESS**

**First Watch**

36001 Euclid Avenue  
(Rep.- Bobby Stuart, Director of Design)

**Conditional Use Permit – Outdoor dining**

Mr. Stuart, 8725 Pendery Place, Bradenton, FL is representing the Conditional Use Permit (CUP) for First Watch.

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Mr. Stuart said they are excited to bring their business to Willoughby. He said their dining hours will be from 7:00 a.m. to 2:30 p.m. daily Monday through Sunday but is requesting hours operation to be 24 hours, 7 days a week. The dumpster closest to their building will have an 8' high enclosure and will be painted to match the building. He said they will have outdoor speakers on the patio which will be kept very low or at conversation level. He said one of the features of the patio will be an aluminum hard covered lid. He said under this structure they will have fans for the summer time and heaters for the winter. They will also install some string lights with small Edison bulbs for ambiance. He said they will have no live music. Mr. Stuart said they will have flip out windows and will have an indoor/outdoor bar.

Mr. Kary said they city has safety concerns with outdoor dining and vehicular traffic. He said there looks to be 2 or 3 parking spaces that abut the outdoor dining area. He wants them to come up with some sort of substantial barrier such as bollards between these parking spaces and the patrons utilizing the outdoor dining space. He said the other option would be to remove those two parking spaces. Mr. Stuart asked if a decorative knee wall would work. Mr. Wildermuth said the knee wall would have to be very substantial to stop a moving vehicle. Mr. Kary suggested adding plantings to the top of the knee wall, but they will have to be maintained. Mr. Stuart's concern with that is some of the operators do not maintain their landscaping. Mr. Kary said this will be a condition of their approval to maintain all their landscaping along the western wall. Chairman Norris said he would give the applicant the option to install bollards or a knee wall. He also clarified that the outside perimeter landscaping is to be maintained by the landlord. Mr. Stuart said they have a feature on top their railing which is a wood urban farm feature and would like to install that on the knee wall for consistency.

Chairman Norris asked about outdoor maintenance. Mr. Stuart said they would do pressure washing by the rear receiving door because of the grease and debris. Chairman Norris said outdoor maintenance, such as pressure washing, is not to be done from midnight to 5:00 a.m. Monday through Sunday.

Chairman Norris said it will not be a condition for approval but suggested they may want to continue the knee wall along the western side of the building for the protection of the outdoor dining patrons.

Mr. Stuart said they close the dining area at 2:30 p.m. however they leave the string lighting on for people passing by to know they are there. The lighting of any kind should not spill onto neighboring properties.

Mr. Kary asked if they should add a termination date on the Conditional Use Permit (CUP) since it is a new use for this area. The board decided this CUP did not need a termination date.

Mr. Kary moved to approve the Conditional Use Permit for outdoor dining for First Watch, 36001 Euclid Ave., Willoughby, OH 44094 for outdoor dining with the following conditions: : 1) Hours of operation are 24 hours, 7 days a week 2) Dumpster must be enclosed 3) Piped in music must be kept at a conversational level, no live music permitted 4) The landscaping on the western wall by the outdoor dining area is to be maintained year-round 5) Any outdoor maintenance and/or pressure washing is not to be performed from midnight to 5:00 a.m. seven days a week 6) Bollards or a substantial knee wall shall be constructed in front of the parking spaces that abut the outdoor dining area and Mr. Cook seconded.

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

**Motion Carried:     APPROVED**

**Jojo's Ice Cream Shop**

Lakeshore Blvd./PPN#27B057G000010  
(Rep.-Jason Lallo, Owner, Matthew Lallo, Esq. &  
Steven Ciciretto, Architect)

**Conditional Use Permit-Outdoor dining**

Mr. J. Lallo, Owner, 6057 Collins Rd., Mentor, OH 44060 and Mr. M. Lallo, Esq. and Mr. Ciciretto, Architect are representing the Conditional Use Permit (CUP) for Jojo's Ice Cream Shop.

Mr. Ciciretto said in terms of outdoor dining the ice cream shop will provide a walk-up order window, indoor dining, a drive thru window and a covered patio for outdoor consumption. There is also an elevated deck for outdoor dining.

Mr. Lallo, Esq. said they would request their hours of operation to be 24 hours, 7 days a week for other working conditions. The hours the ice cream shop will actually be open will likely be 11:00 am until 10:00 or 11:00 p.m. but the extended hours will give the staff an opportunity to prep and clean the facility. This will be seven days a week and they will be open all year round.

Chairman Norris asked if there will be speakers outside for the outdoor dining area. Mr. Lallo, Esq. said yes, there will be piped in music which will be kept at conversation level. Mr. Lallo, Esq. said Mr. Jason Lallo would like to host a cruise-in one day a year and may entail live music. Chairman Norris said they can add this to the list of conditions for special events with live music and will specify hours allowed. Mr. Lallo, Esq. said they would like the live music for special events to be allow from 11:00 a.m. until 8:00 p.m. He said they understand they abut a residential neighborhood and do not want this music to spill over into the neighborhood. Chairman Norris said the live music must also remain at a conversational level. Mr. Kary said the board may want to put a one-year termination on this CUP as it relates to noise. Mr. Jason Lallo asked if this was for the outdoor patio and Mr. Kary said no, it is more for the music and may need to revise the hours if there are issues. He said they have put this condition on other restaurant/bars to give the board the option to revisit the CUP if there are issues. Mr. Lallo, Esq. said his clients concern is if the CUP expires and if there is a noise issue the board will revoke his CUP to have outdoor dining. Mr. Wildermuth said it is just an opportunity for adjustment and they will not revoke the outdoor dining portion.

Chairman Norris said the dumpster in the southeast corner appears to be enclosed and Mr. Lallo, Esq. said that is correct. He also inquired about what type of lighting they will have for outdoor dining. Mr. Ciciretto said they will have under canopy down lighting and the upper balcony will have decorative wall lighting on the south wall. All lighting will illuminate the dining area. They will have string lighting with Edison bulbs that will be strung over the game area.

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Chairman Norris said for outdoor maintenance such as power washing, this should not be done between the hours of midnight and 6:00 a.m. seven days a week.

Chairman Norris said they should address pedestrian traffic crossing Lakeshore Blvd. and ways to mitigate that during the Development Plan portion.

Mr. Wildermuth moved to approve the Conditional Use Permit for outdoor dining for Jojo's Ice Cream Shop, Lakeshore Blvd., PPN#27B057G000010, Willoughby, OH 44094 for outdoor dining with the following conditions: 1) Hours of operation are 24 hours, 7 days a week 2) The on-site dumpster in the SE corner must be enclosed 3) Any outdoor maintenance and/or pressure washing is not to be performed from midnight to 6:00 a.m. seven days a week 4) Special events w/live music are allowed from 11:00 a.m. until 8:00 p.m. 5) Piped in must remain at a conversational level 6) This Conditional Use Permit terminates one year from the approval date for special events and live music (terminates February 23, 2024) 7) Lighting to illuminate dining area only and Mr. Kary seconded.

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

**Motion Carried:     APPROVED**

**Jojo's Ice Cream Shop**

**Development Plan/EAS#15-11-22**

Lakeshore Blvd./PPN#27B057G000010  
(Rep.-Jason Lallo, Owner, Matthew Lallo, Esq. &  
Steven Ciciretto, Architect)

Mr. J. Lallo, Owner, Mr. M. Lallo, Esq. and Mr. Ciciretto, Architect are representing the Development Plan/EAS for Jojo's Ice Cream Shop. (See Exhibit "A" revised site plan dated 2-24-23).

Mr. Kary addressed the EAS. Storm water: Mr. Kary read into record the city engineer's comments (see city engineer's comments, Exhibit "B"). Hazardous materials, no concerns. Police, and fire departments have no concerns. No effect on the schools. The timeline: Begin construction in the spring of 2023 and complete in November of 2023.

Chairman Norris asked if this building had a basement and Mr. Ciciretto said no, it is a slab. Mr. Wildermuth asked if there is a sprinkler system installed and Mr. Ciciretto said no.

Mr. Ciciretto said this is an odd area because it is business mixed in with residential. They did obtain variances from the Board of Zoning Appeals on February 8, 2023 for a use variance for the drive thru, front and parking setbacks and a buffer width. He said the building setback is at the required 40' but the canopy projected out to line up with JT's Diner which is what caused the need for the variance. He said the intent is for the two buildings to complement each other. He said there are residential properties behind them so their goal was to push the building toward Lakeshore in the hopes they will not effect the neighboring properties. He said the property is approximately 1.7 acres and they are building a 2,000 sq. ft. building on the property. He said they will have storm

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water retention under the parking lot. He said to the west is the cemetery and it is their intention to install a fence for the privacy of their patrons and the people grieving in the cemetery and this is why they did not meet the buffering requirement.

He said this is a good location being across from the park. He said the resident who spoke during the public hearing portion brought up a good point which was how should they direct the children crossing from Lakeshore to the ice cream shop. He said none of their lighting will be directed toward the back of their property. They will have down lighting on the perimeter of the property and one down light over the delivery door.

Mr. Ciciretto said their landscape plan submitted is to work in conjunction with JT's Diner. It will have a similar plant scape. They will have a monument sign in the front, but it is not designed yet. They have stacking for the drive thru of ten cars and a lawn buffer behind the drive thru.

Chairman Norris wanted confirmation that the cherry trees will not interfere with visibility and Mr. Ciciretto said they were put back with the intent to screen the parking but not to obstruct the view for the turning lanes when existing; they are approximately 15' in height. Chairman Norris said there is a cherry tree on the northeast lawn and asked if they can also install one on the western lawn area and Mr. Ciciretto agreed to add one. He asked if they plan to add any other plantings besides the lawn that abuts the sidewalk. Mr. Ciciretto said no they had not planned on it because it is similar to JT's. Chairman Norris asked if plantings along the southern island for the drive thru and along the southern and eastern side of the building are basic ground cover plants. Mr. Ciciretto said they are a mix of spring flowering bushes such as azaleas, rhododendrons etc., nothing that will exceed 5'.

Mr. Kary said he had spoken to the Councilperson for Ward 1 and some residents and there is some concern in regard to the property line next to the cemetery. He asked if they are removing the current mix of landscaping and Mr. J. Lallo said yes. He asked if they could add some nice landscaping as a barrier between the ice cream shop and the cemetery for privacy and a noise barrier. Mr. J. Lallo said his intent was to install a wood board-on-board fence but would be happy to pay for and install arborvitae on the cemetery side of the fence if the city agrees. His property is constrained and there is not room for the fence and landscaping since it abuts the parking area. Mr. J. Lallo said most of the neighboring properties that abut the cemetery have some sort of privacy fence installed. Mr. Kary said he would still prefer landscaping over a fence. Mr. Ciciretto said they discussed maybe installing sections of the fence and supplement with arborvitae, trees, or some type of landscaping in between to break up the wall of fencing. Mr. Kary said he does want to make this a hard line. He said they can work it out with the city in terms of differentiation of property.

Mr. Wildermuth said they have two site plans; one has 33 parking spaces, and the other has 41 and is 30' deeper. Mr. Ciciretto said the site plan with 41 parking spaces is the one they will go with because they wanted to eliminate one variance with BZA, so they are conforming with city's parking regulations.

Mr. Capelle asked how they envision pedestrians interacting on the property. Mr. Ciciretto said it would be similar to a McDonalds, they would just cut across. Chairman Norris said there is no specific pedestrian access off of the sidewalk. Mr. Wildermuth said there is an ADA requirement that there be access from the public way. Mr. Ciciretto said that is correct and it should have been listed as one of the sites. The entrance to the building is on the west side of the building, so the first spot would have to be ADA compliant. Mr. Wildermuth said parallel to the curb of the drive on that side they could put a sidewalk up to the building and Mr. Ciciretto agreed there will a

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sidewalk to the main entrance. Mrs. Grinstead asked Mr. Ciciretto to email her a revised rendering of these changes. Chairman Norris asked if they can stripe across the parking lot to that sidewalk as well and Mr. Ciciretto agreed. He said if they have to lose that weeping cherry tree, they can move it to the lawn as discussed above.

Mr. Kary moved to approve the Development Plan/EAS#15-11-22 for Jojo's Ice Cream Shop, Lakeshore Blvd., PPN#27B057G000010, Willoughby, OH 44094 as amended and Mr. Capelle seconded.

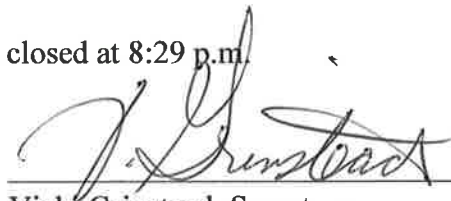
ROLL CALL:       Yeas:     Ben Capelle; K. Kary; M. Wildermuth; J. Cook; S. Norris, Chairman  
                      Absent:  None  
                      Nays:     None

**Motion Carried:     APPROVED**

Chairman Norris wanted it noted in the minutes that the city may want to consider adding signage at the pathway to direct the pedestrians crossing in that area.

There being no further business the regular meeting closed at 8:29 p.m.

  
Steve Norris, Chairman

  
Vicki Grinstead, Secretary