

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
APRIL 27, 2023  
REGULAR MEETING  
MINUTES**

**PRESENT:** J. Cook; Ben Capelle; M. Wildermuth; K. Kary; S. Norris, Chairman  
**ABSENT:** None  
**OTHERS:** Tim Lannon, City Engineer; Keith Pedersen, Asst. Law Director;  
Larry Puskas, Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary

**Chairman Norris called the regular in-person meeting to order at 7:04 p.m.**

**MINUTES**

**Public Hearing Meeting Minutes**

**April 13, 2023**

Mr. Wildermuth moved to approve the Planning Commission Public Hearing Meeting Minutes for April 13, 2023 and Mr. Kary seconded.

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

**Motion Carried: APPROVED**

**Regular Meeting Minutes**

**April 13, 2023**

Mr. Cook moved to approve the Planning Commission Regular Meeting Minutes for April 13, 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**

*There was no one present to represent this application.*

**Townhomes**  
Shankland Rd.  
(Rep.- Greg Sommers, Sommers Dev. Group LLC)

**Development Plan/EAS#17-10-22(b)  
PPN#27-A-015-0-00-023-0 & 024-0  
to construct 16 townhomes on 2.49 acres**

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**US Foils**

38264 Willoughby Pkwy.  
(Rep.- Mark Green, Marous Brothers Construction)

**Development Plan/EAS#2-2-23  
16,000 s.f. warehouse addition**

Mr. Wildermuth moved to untable the Development Plan/EAS#2-2-23 for US Foils, 38264 Willoughby Parkway, Willoughby, OH 44094 and Mr. Kary seconded.

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

**Motion Carried:     UNTABLED**

Mr. Mark Green of Marous Brothers Construction, 36933 Vine St., Willoughby, OH 44094 is representing the application for the Development Plan/EAS#2-2-23 for US Foils, 38264 Willoughby Parkway, Willoughby, OH 44094.

Mr. Green said at the last meeting they decided to table to have more board members present. He said they had two issues arise because of newer zoning codes put in place back in 2020; one was the loading dock and the other was masonry on the front façade of the building addition.

Mr. Green said the addition will be added onto the existing building which has an all masonry front. The addition has a 4' high protection wall of concrete block to match the existing building and the rest of the building is a pre-engineered metal building façade. This building sits back 150' off the roadway and is further back than the majority of other properties in that area. He said the zoning code states they must architecturally feature masonry but does not give a percentage or amount and would like to discuss this with the board. He said the new loading dock is next to the existing loading dock on the existing building. The trucks come in and offload their steel coils and leave and is no overnight parking.

Mr. Kary asked Mr. Puskas how the code is written for the face of the building. Mr. Puskas stated it must be some sort of masonry but does not specify percentages. Mr. Kary said he would like to see some sort of compromise to add masonry. Mr. Green said they provided a minimal amount of masonry on the front façade.

Mr. Wildermuth spoke to Mr. Green and Mr. Wildermuth suggested adding more masonry then was presented. He does not have an issue with the location of the dock because of the setback off the road and because of the existing door that is adjacent to it. Mr. Green brought some renderings of options (Options A & B in record 4-27-23) for the board but prefers the original submittal the way it was designed. He said he feels the zoning code is vague and allows leeway for some masonry. Mr. Green prefers Option A of the two options presented this evening.

Mr. Wildermuth said he would like to see more masonry on the left side of the building. He said he would like it to match the dock area. Mr. Kary agreed with Mr. Wildermuth's option of the left hand panel having more masonry to match the right hand side for aesthetic purposes. Mr. Green asked if he could bring the masonry down to over the top of the dock door and do the same height on the left side (Option "A") and the board agreed.

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Mr. Wildermuth asked what the board thought about the docks. Mr. Kary said he is fine with the docks because they are paired together and are in the central core of the building and still set back. Mr. Wildermuth agreed and said adding the additional masonry will help make it cohesive.

Mr. Kary said he would like to see more landscaping to enhance the building. The retention pond is in front of the addition, and he would like to see that landscaped with some grasses, smaller trees, or other plantings and Mr. Green agreed. He would also like the existing landscaping along the street, for the new addition, to be carried across to the existing building. He said they could add three or four trees and Mr. Green agreed.

Mr. Wildermuth said he would like to see some additional plantings in the island along with the tree. Mr. Green agreed and said there may also be a boulder because of truck turn around issues.

Mr. Green reiterated the boards requests: Natural grasses around the retention pond, adding of trees throughout some of the lawn areas, potentially more trees closer to building, although he may not plant them in the landscaping bed right up against it but can get them closer in the lawn opposite that, and enhance the landscaping along the building. Chairman Norris said he would like three or four trees along the street and four to five trees close to the building edge for the addition. The board required Mr. Green to submit revised elevation and landscape renderings.

Mr. Kary asked what the rest of the board members thoughts were on the loading docks. Chairman Norris said in this instance the loading docks extending beyond the front of the building is not an issue for him. Mr. Capelle agreed with Chairman Norris. Mr. Kary said he does not have an issue with it, especially since trucks are not parked there overnight.

Mr. Lannon has no issues with the Development Plan because drainage and utilities are covered. There was a question regarding the wetlands study, but they have resubmitted plans that have yet to be reviewed during the plan review portion. Mr. Green said the Army Corps of Engineers will be out sometime in May and hopes to be able to start construction during this process.

Mr. Kary moved to approve the Development Plan/EAS#2-2-23 for US Foils, 38264 Willoughby Parkway, Willoughby, OH 44094 with the conditions listed by Planning Commission this evening and with the stipulation that revised site/elevation and landscape plans are submitted for the record and Mr. Wildermuth seconded.

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

**Motion Carried:     APPROVED**

**Kirtland Tudor Estates**  
Tudor Dr./PPN#21-A-022-0-00-029-0  
(Rep.- Marc Strauss, KTE Townhomes LLC,  
Chuck Szucs, Polaris Engineering)

**Development Plan/EAS#3-2-23**  
**Minor Subdivision/8-townhomes**

Mr. Capelle moved to untable the Development Plan/EAS#3-2-23 for Kirtland Tudor Estates, Tudor Dr./ PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Wildermuth seconded.

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

**Motion Carried:     UNTABLED**

Mr. Strauss of KTE Townhomes LLC, 39489 Tudor Dr., Willoughby, OH 44094 is representing the application for the Development Plan/EAS#3-2-23 for a minor subdivision for 8 townhomes.

Mr. Strauss said they were tabled at the previous meeting to provide the board with color elevations which he has done. He is asking to build 4 duplexes with a total of 8 townhomes but will develop them in phases. He said Phase I will be two duplexes which would be on sublots 33-36. He said depending on the popularity of the product they would then construct Phase II for sublots 37-40. He said for sublots 37-40 there is a lot of stockpiled dirt that needs to be removed before construction can begin. He cited similar examples of the home styles within the development and asked the commission for their approval on his project this evening.

Mr. Kary addressed the EAS. No traffic impact, Police and Fire Departments no major concerns, No issues with noise, water and air pollution, No major demands on the schools, No hazardous waste concerns, Stormwater: Mr. Lannon said they should look at the original plans to make sure retention is covered. Wetlands will require a site inspection and a report filed by a qualified professional. Timeline: One year to completion from commencement of construction.

Mr. Wildermuth asked if this needs to be replatted. Mr. Strauss said it is a 2.5-acre parcel, but just over an acre of land. Mr. Wildermuth asked if these will be fee simple lots. Mr. Strauss said this is why they are requesting single family platted townhome lots, so it is easier for potential buyers to obtain financing. He said there has been mention that the homeowners may be able to do their own landscaping, snow plowing etc. instead of the HOA.

Chairman Norris said townhomes require a 3-acre minimum unless the Planning Commission approves it otherwise. Mr. Strauss said in the city's Staff Report there are certain variances required but the administration did not see any concerns with this development plan. He said these townhomes will sell for approximately \$650-700,000.

Chairman Norris read the comments from the zoning portion of the staff report and states in part, "if considered as townhomes, the following regulations apply: Conditional Use Permit required; minimum of 3 acres; minimum building footprint 20' x 25' and not less than 500 s.f.; 30' setback from project boundary line; minimum building separation of 30' between a main wall and a secondary wall; and 10' between secondary wall to secondary wall." Mr. Strauss said there is one blanket variance on the project in regard to separation between buildings and believes it was 20' and this is what they have proposed for their project. Mr. Szucs said on prior approval for subplot 18 there was a 10' separation between buildings which went for the whole project. Mr. Wildermuth said they have 10', if not more between all buildings. Mr. Szucs said they do have 30' from the boundary line. He asked what is the definition of townhomes. Chairman Norris said it is in the city's zoning code. Mr. Wildermuth said the building code definition is different from the city's zoning code definition.

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Chairman Norris asked if this proposal goes well are there plans for more. Mr. Strauss said yes, there is plenty of land to develop four more. Chairman Norris said if the project moves forward with more homes than it will be more than three acres and Mr. Strauss said yes. Mr. Strauss said they are splitting off 1.14 acres or 10% of the 10 acres available for this parcel. Chairman Norris said his concern is different types of homes being stacked in the same area. Mr. Strauss showed the board on the plan where there are already different types of homes constructed with three different H.O.A.s. He said they will be doing some screening between subplot 33 and the adjacent home.

Mr. Wildermuth asked where the front door was, and Mr. Strauss said it is actually on the side and showed the board on the rendering. Mr. Kary had a concern that the fire department have access to these townhomes. He said the rear road shown would not be able to accommodate a fire truck to be able to turn around. Mr. Strauss said there will be plenty of access and Mr. Kary said he will make that a condition when they get to the Conditional Use Permit. Chairman Norris said whatever stipulations the fire department makes he will have to follow, and Mr. Strauss agreed.

Mr. Strauss said Payne and Payne will most likely be his builder. Chairman Norris said he has no concerns as far as the landscaping plan. He said there is brush across the street and asked if there could be some consideration for landscaping given to addressing the back drive, just as a buffer between that and the northeastern edge of the property. Mr. Strauss said they will have to add a retaining wall on that mound similar to the Cotswold's. He said it will be consistent with what is already done with plantings and will be maintained. Chairman Norris asked him to resubmit a landscape plan with any other work that will be done with regard to the wall and landscaping and Mr. Strauss agreed. Mr. Capelle said Mr. Strauss was not sure what he was going to do with the walkways, but keeping pedestrian access between the front and back is important. Mr. Kary said the driveway sides of the units have a median strip between drives and wants him to put low growing shrubs to enhance it. Mr. Strauss said yes, he agrees to add landscaping between the driveways.

Mr. Wildermuth moved to approve the Development Plan/EAS#3-2-23 for Kirtland Tudor Estates, Tudor Dr./PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 for a minor subdivision of 8 townhomes with the conditions as stated above and an updated landscaping plan, updated storm water plan and subject to the fire department comments on access and Mr. Cook seconded.

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

**Motion Carried:    APPROVED**

**KTE Townhomes**  
Tudor Dr./PPN#21-A-022-0-00-029-0  
(Rep.- Marc Strauss, KTE)

**Conditional Use Permit  
for townhomes**

Mr. Wildermuth moved to untable the Conditional Use Permit for Kirtland Tudor Estates, Tudor Dr./ PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 and Mr. Capelle seconded.

ROLL CALL:           Yeas:    M. Wildermuth; J. Cook; Ben Capelle; K. Kary; S. Norris, Chairman

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Absent: None  
Nays: None

**Motion Carried: UNTABLED**

Mr. Strauss of KTE Townhomes LLC is representing the application for a new Conditional Use Permit for a minor subdivision for 8 townhomes.

Chairman Norris said the purpose of this Conditional Use Permit is for the commission to decide if the townhomes are an allowable use.

Mr. Wildermuth moved to approve the Conditional Use Permit for Kirtland Tudor Estates, Tudor Dr./ PPN#21-A-022-0-00-029-0, Willoughby, OH 44094 with the following conditions: 1) The Planning Commission would be waving the 3-acre minimum requirement, 2) This project at all times shall comply with the laws of the City of Willoughby and all the appropriate building and zoning regulations therein and Mr. Capelle seconded.

Mr. Kary asked if Mr. Strauss could he have purchased three acres and start Phase I and Mr. Strauss said no, it would be cost prohibitive because the land is too expensive.

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

**Motion Carried: APPROVED**

**NEW BUSINESS**

**Charlton Abbott**  
37903 Euclid Ave.  
(Rep.- Ken Boyd, Owner)

**Conditional Use Permit for offices and  
a café to include food service to the  
outdoor patio**

Mr. Boyd, Owner, is representing the application for a Conditional Use Permit (CUP) for Charlton Abbott, 37903 Euclid Ave., Willoughby, OH 44094.

Chairman Norris said this Conditional Use Permit has expired on April 14, 2023. He asked if Mr. Boyd is requesting any changes to the current CUP and Mr. Boyd said no, they wanted to be open for a full year and make sure there were no issues.

Chairman Norris complimented Mr. Boyd on the aesthetics of the building. Mr. Wildermuth agreed and said some of his neighbors love his building as well.

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Chairman Norris reiterated the current Conditional Use Permit 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 4-14-23). The only change will be that condition #8 will be removed and Mr. Boyd would like the CUP to be permanent.

Mr. Kary asked Mr. Puskas if there have been any complaints to the operation of this business and Mr. Puskas said no and his predecessor Mr. Keller had not either. Mr. Kary said this is one of the greatest assets to the city and is in favor of this.

Mr. Capelle moved to approve the Conditional Use Permit (CUP) for Charlton Abbott, 37903 Euclid Ave., Willoughby, OH 44094 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 and Mr. Kary seconded.

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

**Motion Carried:     APPROVED**

*No one was present to represent this application.*

**Demilta Iron & Metal**  
3911 Ben Hur Ave.  
(Rep.- Jim Hounshell, Evolution Construction)

**Development Plan/EAS#4-3-23**  
**36,738 sq. ft. warehouse**

Mr. Wildermuth moved to table the Development Plan/EAS#4-3-23 for Demilta Iron & Metal, 3911 Ben Hur Ave., Willoughby, OH 44094 and Mr. Capelle seconded.

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

**Motion Carried:     TABLED**



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**Lost Nation Parkway LLC**  
Kennedy Pkwy. /PPN#27B0540000230  
(Rep.- Todd Kennedy, Lost Nation Parkway LLC)

**Development Plan/EAS#5-3-23**  
**31,933 s.f. industrial bldg., parking lot  
and truck dock**

Mr. Kennedy, 38601 Kennedy Parkway, Willoughby, OH 44094 of Lost Nation Parkways LLC, Owner, is representing the application for a Development Plan/EAS#5-3-23, Kennedy Pkwy. /PPN#27B0540000230, Willoughby, OH 44094 for a 31,933 sq. ft. industrial bldg., parking lot and truck dock.

Mr. Kennedy said their main building is on the same street and are looking to develop this parkway to attract more manufacturing businesses to the city. Mr. Wildermuth complemented him on the building.

Mr. Kary addressed the EAS. No police or fire demands or concerns, No impact on the schools, No hazardous waste concerns, No air, water, noise, or air pollution concerns. Mr. Kennedy does not have a tenant, but their ideal situation will be clean or light manufacturing and will not be heavy industrial. No traffic issues, Storm water: Mr. Lannon said there was a preliminary plan submitted and it is pretty well developed. They will need a wetland professional to walk over the site. Mr. Kennedy said they have had it delineated and there are no wetlands on the site but does not know if it was submitted. There will be two retention ponds located in front of the building. Mr. Kennedy said he will plant tall grasses around the retention ponds. Mr. Kary said he has concerns regarding the previous development with a retention pond where the landscaping has yet to be completed. Mr. Kary said this is his ward and there will be a couple of these retention ponds along the street and wants to make sure they are landscaped properly. Mr. Kennedy apologized and explained they have had issues with getting a landscaper but assured the board he would have the previous development pond completed by spring of this year. Timeline: Completion by end of 2023.

Chairman Norris said they can discuss the landscape plan. There are no issues with the parking lot and landscaping. These are two separate parcels that should be combined. Mr. Kennedy said this is already in progress. Chairman Norris said everything looks like it conforms as far as zoning. Mr. Kary suggested adding plantings around the two ponds of wild grasses that require minimal maintenance and around the previously approved site as well.


Mr. Cook moved to approve a Development Plan/EAS#5-3-23, for Lost Nation Parkway LLC, Kennedy Pkwy. /PPN#27B0540000230, Willoughby, OH 44094 for a 31,933 sq. ft. industrial bldg., parking lot and truck dock and Mr. Capelle seconded.

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

**Motion Carried:    APPROVED**

There being no further business the regular meeting closed at 8:38 p.m.

  
Steve Norris, Chairman

  
Vicki Grinstead, Secretary