

**PLANNING COMMISSION
CITY OF WILLOUGHBY
MAY 25, 2023
REGULAR MEETING
MINUTES**

PRESENT: J. Cook; Ben Capelle; K. Kary; S. Norris, Chairman
ABSENT: M. Wildermuth; Tim Lannon, City Engineer
OTHERS: 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 7:07 p.m.

MINUTES

Public Hearing Meeting Minutes

May 11, 2023

Mr. Kary moved to approve the Planning Commission Public Hearing Meeting Minutes for May 11, 2023 as submitted and Mr. Cook seconded.

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

Motion Carried: APPROVED

Regular Meeting Minutes

May 11, 2023

Mr. Kary moved to approve the Planning Commission Regular Meeting Minutes for May 11, 2023 as submitted and Mr. Capelle seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

This item remains tabled.

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**

NEW BUSINESS

Mickey's Ice Cream
14 Public Sq.
(Rep.- Meghan Wickline)

**Conditional Use Permit (CUP)
for outdoor dining**

Ms. Wickline, owner is representing the application for the CUP for Mickey's Ice Cream, 14 Public Square, Willoughby, OH 44094.

Ms. Wickline said the plan is to add 5 square 4-seat tables and 2 black benches for the outdoor patio. There will be no service inside or on the patio; everything is grab and go. The patrons will order and take their items to go. They will have garage cans with lids on the patio. The employees will ensure the outdoor patio remains clean and will remove any trash on the premises nightly. The hours of operation will be 24 hours, 7 days a week. There will be no outdoor power washing or maintenance between the hours of 12:00 a.m. until 6:00 a.m. There will be no live music and piped in music shall be at conversation level. Any lighting will be at an ambient level. The only lighting is on the building. They will be sharing a dumpster with Megs Med Spa, and they will be taking the trash off the premises nightly.

Chairman Norris asked for clarification as to where the outdoor seating will be. Ms. Wickline said it will be in the front of the building next to Youngs restaurant and has a wrought iron fence with an entry gate. There will be a total of 20 chairs and two benches that will seat 2-3 people each. Mr. Puskas said the limit is 30% of the indoor seating, but they have no indoor seating. Chairman Norris said instead of using the percentage they will say a maximum of 30 seats are allowed for the outdoor patio and the board and Mr. Puskas agreed. Chairman Norris asked if they would do any additional lighting in the future and they were unsure, so he added the condition that the lighting level is to be ambient, which would include string and table lighting, and Ms. Wickline agreed.

Mr. Kary suggested adding a one year expiration date from the date of the approval for Mickey's in its new location. He explained to the applicant's they add this for most of the businesses to make sure the first year there are no issues or concerns. He said after that first year if there are no issues they can reapply, and the board will renew it permanently. Mr. Puskas asked if there is any outdoor equipment including electrical and Ms. Wickline said no.

Chairman Norris reiterated the Conditional Use Permit conditions: 1) Hours of operation will be 24 hours, 7 days a week, 2) No outdoor power washing/maintenance shall be performed from 12:00 a.m. until 6:00 p.m., 3) No live music permitted. Piped in music shall remain at a conversation level, 4) Thirty (30) seats maximum are permitted for the outdoor patio, 5) Any outdoor lighting is to be at an ambient level, 6) All trash will be removed nightly from premises, 7) This Conditional Use Permit will expire one year from the date of approval (expires May 25, 2024).

Chairman Norris noted the board normally has five members and only four are present this evening and they would need three out of four votes in favor of their CUP for approval and asked the applicant if she would like to proceed and Ms. Wickline said yes.

Mr. Kary moved to approve the Conditional Use Permit (CUP) for Mickey's Ice Cream, 14 Public Square, Willoughby, OH 44094 with the following conditions: 1) Hours of operation will be 24 hours, 7 days a week, 2) No outdoor power washing/maintenance shall be performed from 12:00 a.m. until 6:00 p.m., 3) No live music

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permitted. Piped in music shall remain at a conversation level, 4) Thirty (30) seats maximum are permitted for the outdoor patio, 5) Any outdoor lighting is to be at an ambient level, 6) All trash will be removed nightly from premises, 7) This CUP will expire one year from the date of approval (expires May 25, 2024) and Mr. Capelle seconded.

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

Motion Carried: APPROVED

Five Guys
34811 Euclid Ave.
(Rep.- Leanne AndrySCO, GPD Group)

**Conditional Use Permit (CUP)
for outdoor dining**

Ms. AndrySCO of GPD Group is representing the application for the CUP for Five Guys, 34811 Euclid Ave., Willoughby, OH 44094.

Ms. AndrySCO said the proposal for Five Guys is an accessory use to the indoor dining, so they are proposing twelve (12) seats on the outdoor patio with an enclosure. They will have a trash can on the patio which will be emptied, at a minimum nightly and as needed throughout the day. They do not serve alcohol. The hours of operation are 11:00 a.m. until 10:00 p.m. but the staff arrives as early as 7:00 a.m. and would most likely be there until midnight to do prep and clean up. They would request 24 hours, 7 days a week for the CUP. They do not propose to have any exterior speakers or any additional exterior lighting beyond what is already on the building and in the parking lot.

Chairman Norris asked how many seats are indoors. Ms. AndrySCO said they are fifty-two indoor seats, which meets the 30% requirement for outdoor seating. She said they will not be able to accommodate anymore outdoor seating with the type of seating they provide. He asked if they would ever possibly like to provide outdoor piped in conversational level music for their patrons and Ms. AndrySCO said it could be a possibility and she would like to add that. There will be no live music permitted. Ms. AndrySCO said their dumpsters are behind their building and are enclosed. Chairman Norris said he will add the condition the dumpster must remain enclosed/fenced. Also, no outdoor power washing or maintenance shall be performed from 12:00 a.m. until 6:00 a.m. The board decided to not impose a one year expiration on this Conditional Use Permit since it is outside of the downtown business district. She said the interior is not yet finished so she is unsure when they will be opening.

Mr. Kary said the fencing around the patio is shown on the rendering with signage and that must be approved by the Sign Review Board. Ms. AndrySCO said they are unsure if the fence signage will be added and if so, they will submit to go before that board. He asked if the bollards shown, for the outdoor patio, are true bollards to protect the patrons from vehicular traffic and Ms. AndrySCO said yes.

Chairman Norris said they show plantings on the patio so he will add the condition that any landscaping, including planters, shall be maintained and Ms. AndrySCO agreed. He said landscaping is not required but if they choose to install it, it will need to be maintained.

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Chairman Norris reiterated the Conditional Use Permit conditions: 1) Hours of operation are 24 hours, 7 days a week, 2) Twelve (12) seats maximum are permitted for the outdoor patio, 3) No live music permitted, piped in music shall remain at a conversational level, 4) All trash will be removed nightly, and dumpsters are to remain enclosed, 5) No outdoor power washing/maintenance shall be performed from 12:00 a.m. until 6:00 p.m., 6) Any landscaping is to be maintained.


Chairman Norris noted the board normally has five members and only four are present this evening and they would need three out of four votes in favor of their CUP for approval and asked the applicant if she would like to proceed and Ms. Andrysko said yes.

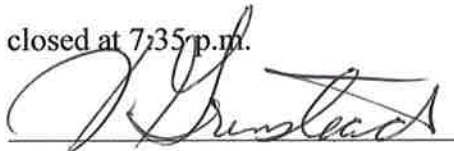
Mr. Cook moved to approve the Conditional Use Permit (CUP) for Five Guys, 34811 Euclid Ave., Willoughby, OH 44094 with the following conditions: 1) Hours of operation are 24 hours, 7 days a week, 2) Twelve (12) seats maximum are permitted for the outdoor patio, 3) No live music permitted, piped in music shall remain at a conversational level, 4) All trash will be removed nightly and dumpsters are to remain enclosed, 5) No outdoor power washing/maintenance shall be performed from 12:00 a.m. until 6:00 p.m., 6) Any landscaping is to be maintained and Mr. Capelle seconded.

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

Motion Carried: APPROVED

There being no further business the regular meeting closed at 7:35 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary