

**PLANNING COMMISSION
CITY OF WILLOUGHBY
FEBRUARY 22, 2024
REGULAR MEETING
MINUTES**

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

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

MINUTES

Public Hearing Meeting Minutes

February 8, 2024

Mr. Kary moved to approve the Planning Commission Public Hearing Meeting Minutes for February 8, 2024 as submitted and Mr. Wildermuth 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

February 8, 2024

Mr. Kary moved to approve the Planning Commission Regular Meeting Minutes for February 8, 2024 as submitted and Mr. Capelle seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

Cardinal Credit Union
37203 Euclid Ave.
(Rep.- Christine Blake, Cardinal Credit Union,
Chuck Szucs, Polaris Engineering & Surveying &
Andrew Pearson, TMS)

**Development Plan/EAS#1-2-24
for a new building**

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Mr. Kary moved to untable the Development Plan/EAS#1-2-24 for Cardinal Credit Union, 37203 Euclid Ave., Willoughby, OH 44094 and Mr. Capelle seconded.

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

Motion Carried: UNTABLED

Brian Osborne of M.E. Osborne Construction (builder), 7670 Tyler Rd., Mentor, OH 44060 is representing the Development Plan/EAS#1-2-24 for Cardinal Credit Union, 37203 Euclid Ave., Willoughby, OH 44094.

Mr. Osborne said they are proposing a 2,500 sq. ft. bank branch. This branch is a relocation of an existing bank which has been sold but are committed to keeping this business in Willoughby.

He said at the last meeting they took the commissions comments and incorporated them into the new plan. One of the main changes is the elimination of the teller window/drive thru and would like to withdraw the Conditional Use Permit application. The building will have an ATM, which is allowed under the current zoning. They reduced the existing curb cut to a right out only and commissioned a trip generation study from TMS traffic engineers. Mr. Osborne said the building will have a modern design that will feature masonry glass and an engineered siding exterior.

Mr. Andrew Pearson of TMS Engineers, 2112 Case Pkwy. South, Twinsburg, OH and he was hired to do a trip generation letter which is the total number of trips that are expected for the site; however, it does not look at where the traffic will go or what the impacts are. It is only to see what level they are at. They have twenty-five trips in the morning and in the afternoon, they show fifty-three trips; this is twenty-six vehicles in, twenty-seven vehicles out and this is anticipated within an hour. This is less than sixty trips which ODOT designates anything less than sixty does not require a traffic impact study.

Mr. Kary addressed the EAS. Stormwater: WPC requires a sanitary sewer sample manhole. He said Mr. Daddario owns the three adjacent properties and asked if there will be an agreement that the storm water retention pond in the back of the property will drain to another property. Mr. Szucs of Polaris Engineering said the owner of the property is selling this property so he does have to have an agreement in place with the new property owner and accept the water. All the predevelopment water is currently going there. The latest plan shows a pipe from the pond to an inlet and he will have to provide an easement to accept that water. Noise, water, air pollution: no concerns, Schools: no demands on the school system, no hazardous waste concerns, Timeline: start in early spring and completion by end of 2024. Traffic: Mr. Kary read a letter from the WPD in regard to accidents in the area and recommends a traffic study. Mr. Kary wondered if the traffic study accounted for all the traffic from the trailer park and cars cutting through the small plaza next door. He feels we need a more in depth study and not just for the peak hours. They need to assure, with the addition of this business, that this intersection does not become a catastrophe.

Chairman Norris asked if a Traffic impact study would uncover the answers to some of these concerns; whether it would eliminate or confirm these concerns. Mr. Pearson said the trip generation letter says there is not enough

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traffic, so typically they would analyze an intersection and determine the “no built,” meaning without their additional traffic what is happening at that intersection. A traffic impact study typically shows what the “no built” improvement is or if there is a need for an improvement and this should not be the responsibility of the developer. He then adds in the additional traffic to see if it still operates well. If not, they try to mitigate the situation. Mr. Kary said there is a stacking problem with the vehicles exiting the trailer park and adding any additional traffic will make this worse. There have been numerous complaints to the ward councilman for this area. He said there should be more signage or a blinking light stopping the Euclid Ave. traffic 150’ back from the light so these vehicles can exit safely.

Chairman Norris said the traffic study Mr. Pearson did is termed a trip generation letter. His study says, regardless of the current situation, adding this business would likely have a neglectable effect on this intersection and Mr. Pearson said yes. The study that could determine the current state of this intersection is called a Traffic impact study. Mr. Pearson said yes there are very few vehicles and so there will be no need for mitigation or improvements. This study is not a safety analysis and the city usually does these. Mr. Lannon said he understands this is a trip generation but if a Traffic impact study is not done and this business is constructed and there are issues then it is too late to do anything about it. He still recommends doing the Traffic impact study.

Chairman Norris said he would like to address the landscape plan. The middle island has been removed but there are still two islands in the rear to the east and west. He likes the proposed landscape plan. He said if there is a right turn egress only then he would suggest recentering the two proposed trees and Mr. Osborne agreed. Chairman Norris suggested adding two more of the same type trees down the east side by Orchard if possible. He said if the slope may not allow it, he will leave it up the applicants. Along the southern parking lot how will they stop vehicles from pulling up to far and damaging the landscaping? Mr. Osborne said there is a small 2-3’ retaining wall but they will also add parking blocks. Chairman Norris said the handicapped spots are now located on the south side of the building in the revised plan. He did not see pedestrian access to the building off Euclid Ave.; he does not see sidewalks or a crosswalk proposed in the parking lot. Mr. Osborne said they will add that to the plan but they made need to move the handicapped spots to accommodate this.

Chairman Norris said he did not see the ATM on the building. Mr. Osborne said they moved it off the building and is now in the west lane on the plans. Mr. Wildermuth asked about the cross easement for the drive and Mr. Osborne said that is in place. Chairman Norris asked if there were protective bollards for the ATM and Mr. Osborne said yes. He asked if there are parking blocks to the north and for all parking spots and Mr. Osborne said they can show them. Chairman Norris summed up there will be a total of three trees along the eastern edge of the parcel and there will be parking blocks on all pull in spots. Chairman Norris asked how long it would take to complete a Traffic impact study and Mr. Pearson said typically four weeks. Mr. Capelle said a bank would be a good use of this parcel but he is concerned that there have been requests from city officials for this study and if it is approved without it, that there could be future issues. Mr. Cook said the Police Chiefs concern is safety rather than the amount of traffic. He suggests doing a safety and traffic impact study and believes some of this should fall on the city and Mr. Wildermuth agreed. Mr. Kary wants the traffic impact study. Mr. Wildermuth said if the traffic that is generated is minimal, is this the best layout for the site as far as minimal traffic is concerned.

Mr. Daddario, owner of the property, said there was a 6-suite building there and there were ten to twelve cars entering and exiting the property without incident. He agrees with backing the light up 150’ and he said the councilman was to address it when they constructed Aldi’s and nothing was done. He said there is a lot of elderly

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people in the mobile home park and there are meals on wheels deliveries but the park does not generate a lot of traffic. He is concerned that if this is denied he will be unable to sell his property.

Ms. Blake said this seems like a city issue and they should provide these studies. Mr. Kary said he wants to know if there is a better layout. Ms. Blake said in her opinion she is unsure there will be anything else they can uncover that will be helpful. Chairman Norris asked Ms. Blake if she would be willing to wait four weeks and do a traffic impact study. Ms. Blake asked if the city will be paying for it and Chairman Norris said the commission is asking for this as part of their development plan. Mr. Osborne believes the traffic impact study does not address the design of the site and the original plan had a full access curb cut and they have reduced that to a right exit only. Mr. Osborne said moving this will not help the site flow. Chairman Norris asked again if they would be willing to wait the four weeks for the study. Ms. Blake said it would have a negative financial impact for her business and she would have to think about it. After some discussion Mr. Osborne said their issue is the traffic impact does not analyze the proposed use and would not be included in that study. The biggest issue is the safety issue and the traffic impact study does not address that either. Their concern is they will have this same discussion in six to eight weeks with no resolution. This is more of a city issue to redesign the whole intersection. Mr. Pearson said some of the mitigation would be signage stating where to stop and motorists already disregard this signage but has no way to analyze this. He cannot come back and say this is the best site design because he has no way to determine this. Chairman Norris and Mr. Kary still prefer a traffic impact study.

Mr. Osborne asked if they could obtain a conditional approval if they provide the traffic impact study. Chairman Norris said this could be a risk for the applicant. Mr. Osborne asked how long Mr. Lannon would need to review the study once it is completed and Mr. Lannon said one week should be sufficient after the study is completed.

Mr. Pedersen asked what would the conditions be for a contingent approval and would want to know before they would proceed with a motion to that effect. Chairman Norris said the contingency would simply be that a traffic impact study is completed and submitted. Mr. Pedersen said the commission has to agree with this. Mr. Kary and Mr. Capelle do not agree with a contingent motion. Ms. Blake said they will table this and determine if they want to pay for an extremely expensive study. She will either proceed or withdraw her request. She feels this is unfair of the city to make her pay for existing concerns the city has with this intersection.

Mr. Capelle moved to table the Development Plan/EAS#1-2-24 for Cardinal Credit Union, 37203 Euclid Ave., Willoughby, OH 44094 to allow time for the applicant to provide the Planning Commission with a Traffic impact study and Mr. Cook seconded.

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

Motion Carried: TABLED

Cardinal Credit Union
37203 Euclid Ave.
(Rep.- Christine Blake, Cardinal Credit Union &
Chuck Szucs, Polaris Engineering & Surveying)

**Conditional Use Permit
for a drive thru**

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Mr. Wildermuth moved to untable the Conditional Use Permit for a drive thru for Cardinal Credit Union, 37203 Euclid Ave., Willoughby, OH 44094 and Mr. Capelle seconded.

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

Motion Carried: UNTABLED

Mr. Capelle moved to permanently table the Conditional Use Permit for a drive thru for Cardinal Credit Union, 37203 Euclid Ave., Willoughby, OH 44094 per the applicants request and Mr. Cook seconded.

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

Motion Carried: PERMANENTLY TABLED

(This item will remain tabled until the next meeting)

Former Union High School
25 Public Sq.
(Rep.- Dru Siley, Liberty Development Co.)

**Development Plan/EAS#5-1-24
for 40 apartments & 18 townhomes
PPN#27-A-029-0-00-004-0 & 001-0**

NEW BUSINESS

Dukes N’ Boots
4027 Erie St.
(Rep.- Greg Brown, Owner)

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

There was no one present to represent this Conditional Use Permit.

Mr. Cook moved to table the Conditional Use Permit for Dukes N’ Boots, 4027 Erie St., Willoughby, OH 44094 because no one was present to represent this CUP application and Mr. Capelle seconded.

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

Motion Carried: TABLED

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**Text Amendment Change to:
“Definitions,” “Business Districts” &
“Use Specific Regulations”
C.O. 1103, 1141 & 1155 (Retail Sales,
controlled substances)**

Mr. Pedersen said Mr. Lucas has been drafting these text amendment changes mostly due to the changes in Ohio law in regard to specific controlled substances. The administration wished to get out in front of this and keep retail sales out of the downtown business district. The proposed ordinances for retail business, general business and Lakeshore Gateway are also proposed as conditional uses because of concerns of controlled substances getting into the wrong hands. Mr. Kary wondered why the downtown district cannot be a conditional use as well. Mr. Pedersen said if this was a conditional use in such a small area and it became inundated with these types of businesses then Planning Commission cannot just decide there are too many of them. This way it is not a permitted use in the downtown district. Mr. Kary said the commission will not have the ability to deny any of these businesses in the other three districts. Mr. Kary believes these should all be the same but understands the restriction for the downtown business district area. Chairman Norris asked if City Council could modify this amendment and Mr. Pedersen said yes, ultimately it is City Council’s decision. Mr. Kary said City Council just passed a blanket moratorium on all dispensaries for a year and this will let the state have time to determine how they want to handle this.

Mr. Wildermuth moved to approve and recommends to City Council the text amendment change as submitted for “Definitions,” “Business Districts” & “Use Specific Regulations” C.O. 1103, 1141 & 1155 (Retail Sales, controlled substances) and Mr. Cook seconded.

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

Motion Carried: APPROVED

**Text Amendment Change to:
“Definitions,” “Business Districts” &
“Use Specific Regulations”
C.O. 1103, 1141 & 1155 (Retail Sales,
electronic cigarettes and vaping devices)**

Mr. Pedersen said this is similar language as the previous text amendment change to the same business districts but this covers e-cigarettes and vaping devices as opposed to the previous discussion on controlled substances.

Mr. Capelle moved to approve and recommends to City Council the text amendment changes as submitted for “Definitions,” “Business Districts” & “Use Specific Regulations” C.O. 1103, 1141 & 1155 (Retail Sales, electronic cigarettes, and vaping devices) and Mr. Kary 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: APPROVED

DISCUSSION

Joseph Conti
38751 Hodgson Rd.

PPN# 27-B-052-0-00-004-0
Development plan discussion
for single family homes

Mr. Conti said he has an updated plan and passed it out to the board. He said after doing a walk through of the property it was determined that the far west side of the property will have approximately one acre of wetlands but should not impact the current plan. This plan still allows them to maintain the twelve lots and will leave two and a half acres as a land conservancy and will be titled as such so it can never be developed. The far left side triangle will remain wooded. The first three lots along Hodgson Rd. will be for the retention/detention pond. It is now actually further away from Hodgson Rd. than originally proposed. They will do a walk through of the tree line along Hodgson Rd. but want to keep as many of the mature trees as possible. They have moved the homes up as far away as possible from the golf course. They moved the first home farther away from the airport and he spoke with Ms. Fulop and she was pleased to hear this. The wooded area will remain in a natural state for English Turn Lane and Avenal Court. They will install a fence that will run along the detention pond as well to deter any golfers looking for their golf balls or residents wandering onto the golf course.

Chairman Norris said this was a nice plan and Mr. Kary agreed. Mr. Kary liked the fact that he was keeping the acreage on the west side and is a great gesture for the existing residents. Mr. Kary said for Sublots 1 and 9, which face the cul-de-sac, and the side yards face Hodgson Rd., have them utilize landscaping instead of a fence. Mr. Conti said they may even use some extra soil and do mounding with some plantings in those areas. Mr. Conti agreed and said they will try to dissuade the residents from putting fencing along Hodgson Rd.

Mr. Kary reminded Mr. Conti to include in his H.O.A. decs and bylaws the golf course and have the homeowners accept responsibility of living near a golf course and the possibility of damage to their property. He suggested Mr. Conti have some discussion with the grounds keeper at the golf course. Mr. Conti said the H.O.A. paperwork and the new homeowner paperwork will include the information regarding the golf course and the homeowners responsibility. They also wanted to make sure the back yards are deep enough so residents do not have to come back for variances for decks etc. He said they are not doing the 3,000 sq. ft. homes shown on the plan.

Mr. Capelle asked if they plan to have a sidewalk along the Hodgson Rd. side, including the nature conservancy part and Mr. Conti said yes. Mr. Conti asked where they would hook up for storm water management. Mr. Lannon said his predecessor said they left a stub at Lost Nation Rd. for any development on the north side of Hodgson Rd.

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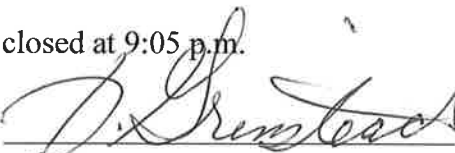
Mr. Lannon said he would recommend doing a RID for future developments. There was a brief discussion on this item. Chairman Norris said there are three potential solutions for water; underground pipe, need of the golf course for additional water and infiltration. There was discussion of an existing ditch across the road that may be opened up to take in some volume.

Chairman Norris said if the cul-de-sac exit onto Hodgson Rd. would line up with Congressional that would be preferable. He said for sublots 10, 11 & 12 will those have a turn around as part of the driveway to exit onto Hodgson and Mr. Conti said yes. Mr. Ross said he believes they do not have to put in a sidewalk where there is no new construction, for example by the land conservancy. Chairman Norris said he would like to see the sidewalk connect to the other side of Hodgson Rd. Mr. Lannon said the code says sidewalks are required for all development parcels.

There being no further business the regular meeting closed at 9:05 p.m.



Steve Norris, Chairman



Vicki Grinstead, Secretary