

**PLANNING COMMISSION
CITY OF WILLOUGHBY
SEPTEMBER 21, 2023
WORK SESSION MEETING
MINUTES**

PRESENT: K. Kary; J. Cook; S. Norris, Chairman

ABSENT: M. Wildermuth; Bill Henrich; Mike Maniche; Phil Davis; Adam Brown

OTHERS: Joe Palmer; Mike Ross; Paul Garcia; John Perkovich; Larry Puskas Chief Bldg. & Zoning Official; Mike Lucas, Law Director, Mayor Fiala; Mike Merhar; Dan Anderson; Bob Carr; Dan Garry; John Tomaselli; K. Sievers; Mike Yutzy; T. Lannon; Tom Thielman; R. Fiala

Chairman Norris called the regular in-person work session meeting to order at 6:00 p.m.

DISCUSSION

Planning Commission

Potential Zone Code Updates

PROCEDURAL ITEMS:

1. **Review information about the moratorium on Delta-8 and 9 THC, Kava, and vaping.** Mayor Fiala said this was put into place because there are articles regarding health risks. The FDA warns there is no conclusive evidence and is a gray area. He suggested letting the moratorium run out and then discuss it further.
2. **Form-based zoning in Downtown Willoughby.** Mayor Fiala said they would like downtown Willoughby to be an entertainment and experience destination. He wants to keep the vape and cannabis type shops to a minimum. He said they need to discuss how to accomplish this. He and Mike Lucas, Esq. have discussed this, and every shop in the downtown area would have to submit and seek Planning Commission approvals through exclusionary zoning. They would write this include the code. He said Chagrin Falls has done this. He wants to attract shops that provide the pedestrian experience. Tom Thielman said the code currently states they give the landlord six months to find a retail tenant and if in that time they cannot find someone, they accept an office type business. Mr. Lucas said the current moratorium expires on March 8, 2024. Mr. Kary agrees with the exclusionary zoning for the downtown area. Mr. Carr suggested looking at the Chagrin Falls legislation and use that as a model. He also said maybe the city needs to change the timeframe of the code that allows landlords to find an office tenant. Chairman Norris said there is also a concern about dispensaries and they are still illegal nationally and the city only has a small paragraph in the code. Mr. Thielman suggested changing the wording to not allow these types of businesses in the historical district, not downtown area. Chairman Norris agreed and said it should be changed more broadly to describe the downtown area.
3. **Discuss a fueling station moratorium or zoning code change to identify acceptable locations within the city.** Mayor Fiala would like to narrow down where these fueling stations can be located. Mr. Thielman said on the corner of Lost Nation by Route 2 is General Business with an overlay of Light Industrial but would like it to just be Light Industrial and not a gas station and would like the zoning changed. There are a few other locations including Lost Nation Rd. Mayor Fiala said large gas stations bring no value, no tax base and consume a lot of space. There was discussion on a moratorium on gas stations or changing the language as to how large or how many pumps they could have. Mr. Kary has concerns with what will happen to the underground tanks in the future. Mr. Lucas said Sheetz is being proactive in setting up for electric vehicles in the future. Mr. Merhar said they could possibly exclude 24-hour

businesses from the General Business district. Mr. Lucas said they could change it from a permitted use to a conditional use. There was a brief discussion on the criminal element at the hotels near the major freeway intersections. Chairman Norris suggested a one year moratorium on new gas stations backed up by data that the city has “x” number of gas stations and compare it to other cities.

4. **Discuss possible code additions addressing homelessness in the city.** Mayor Fiala said this is a reality in our city and it needs to be addressed. He said Chardon added no camping on public property to their ordinances. There have been issues with people camping on the city’s property and there is no ordinance to stop them. They also have a police scanner, so they know when the police are coming. It makes some of the residents uncomfortable because they confront them if they call 911. They have tried to help one person and took them to the shelter but they keep coming back. It was suggested that there be a permit process for public events like the bike rally that came through town temporarily. Camping also needs to be defined in the code. There are also campers and cars that people are parking and sleeping in. There are other options to deter camping such as a sprinkler system or benches with separators etc. but do not want to put the burden on business owners.
5. **Discuss the Public Art Committee, its review authority, and how it will function with other boards and commissions.** Mayor Fiala said the city instituted a public arts fund a couple years ago that has grown to over \$100,000. The intent of this was to fund art projects within the City of Willoughby. He said people will start asking for funds to finance art projects within the city and the city should be careful how this money is spent because they are public funds. There is also a public arts committee which meets on as needed basis. There is also the Willoughby Arts Collaborative of which Ken Kary is a member. Anything within the historic district must go before this board and then to the city’s Design Review board for approval. He said the way the process should go is that anyone requesting these funds for public art should first go before the Willoughby Arts Collaborative, who decides if the art piece is appropriate, then to the appropriate city board, then to the Public Arts Committee, who decides if they will release funds from the city for that project or not, and then to City Council. They would prefer to fund substantial pieces of art that will be around for years. Mr. Kary said there is a possibility of an exterior piece of art going in by the airport with a theme of flight. They want to make sure any pieces of art, including murals, are appropriate. Chairman Norris and Mr. Merhar are concerned with the order of a non-city appointed Collaborative being first in line to make a decision. They suggested sending it through the Public Arts Committee who then would consult with the Willoughby Arts Collaborative. Chairman Norris suggested the administration make a list of where they would like public art (e.g.- in front of new police station).
6. **Open Burning Restrictions.** The Mayor said there have been complaints about opening burning especially in the north end where the lots are small and there are health concerns in regard to inhalation of smoke. He suggested having setback rules and keeping them contained. The Mayor said they should look at the smaller lots on the north end as far as setbacks.

Board of Zoning Appeals (BZA): Joe Palmer, Chairman. Chairman Palmer said he reviewed codes in other cities and their Board of Zoning Appeals only meet once a month and this board meets twice a month because of the amount of variances being requested. There are three items he would like to focus on: 1)

Fencing- the 6' height limitation is not a problem, but the limitation on the ¼" openness is an issue quite often. Over the years he has heard many different reasons for this requirement and none of them made any logical sense; one being airflow. Stockade fencing is before the BZA very often. Most people want these for safety and security for their property, family, and pets. Most of the time the board denies these fences, but a lot of the adjacent communities do not have this code. 2) Corner Lots- the city's building department declares you to have no back yard. You have three side yards and a front yard and this does not make sense and 3) Accessory building square foot limitation- He said for a detached accessory building the square footage that is allowed is 600 sq. ft. and is much smaller than what many of the adjacent communities allow. He would like to see it increased to 800 sq. ft. He feels these three items stifles the homeowners right to fix up and secure their properties. Mr. Lucas added when an applicant comes before the board for these accessory structures many of the neighbors come to speak in favor of the appeal and are very complimentary.

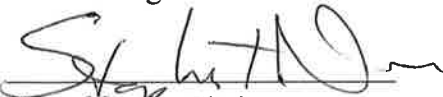
Mike Ross, Vice Chairman (BZA)- An item that needs to be addressed are Air BnB's. If you go on the site there are twenty-seven of them in Willoughby. The only time they get cited is if someone complains. He said this is personal property and it inhibits their right as a homeowner to have an investment. He said he knows the city is waiting on some state legislation. Mr. Lucas said the state legislation went by the wayside and explained why.


Design Review Board (DRB), John Perkovich, Chairman- The DRB approvals have no expiration date and he would like to have a one year expiration from the date of approvals. The other boards all have an expiration date of one year. He said another item are dollar stores. The historic district just had an application for a dollar store. Some municipalities are taking steps to curb so many of these stores, which seem to be an issue. He did some research and looked into a health and safety overlay, which is similar to a moratorium. He offered to send the administration the link.

Planning Commission (PC), Steve Norris, Chairman- The secretary for the boards currently has to mail all the agenda, approval etc. letters instead of being able to just email them to applicants, which would save the city a lot of money in postage. Chairman Palmer agreed. Mr. Lucas also agreed but said some people do not have email so we need to have an alternate option. He said the flow of paperwork has gotten better but there was an issue where a developer purposefully left a height blank on an EAS and that needs to be remedied before it comes to the PC. Chairman Norris said he would like to schedule another meeting.

Mr. Lucas said the moratorium discussed early actually expires April 6, 2024, not March 8, 2024.

There being no further business the regular meeting closed at 8:00 p.m.


Steve Norris, Chairman


Vicki Grinstead, Secretary