



**City of Willowick**  
**PLANNING COMMISSION**  
Monday, November 13, 2023 at 7:30 PM  
City Council Chambers

**ADA NOTICE**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

**AGENDA**

- 1. Call meeting to order**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Approval of Minutes**
  1. Planning Commission Minutes - February 14th, 2022
  2. Planning Commission Minutes - October 9th, 2023
- 5. Development & Plan Review Committee - Mr. Rising**
- 6. Rules Committee – Mr. Rising**
- 7. City Engineer’s Report – Mr. McLaughlin**
- 8. Law Director’s Report – Ms. Landgraf**
- 9. Architectural Review Board - Mr. Heckman**
- 10. Community Reinvestment Area – Mr. Carden**
- 11. Public Hearings**
- 12. Public Portion**
- 13. Remarks – Old Business**
  1. Continuation of discussion regarding car repair shops in the retail districts
- 14. Remarks – New Business**
- 15. Adjournment**

CITY OF WILLOWICK, LAKE COUNTY  
MINUTES & PROCEDURES OF A  
PLANNING COMMISSION MEETING

DATE: February 14, 2022  
PLACE: City Hall  
TIME: 7:30 p.m.

The meeting was called to order by Mr. Carden at 7:30 p.m. and opened with the Pledge of Allegiance.

PRESENT WERE: Carden, Rising, Foisel, Hren, Houry, Mohorcic  
Law Director Landgraf and Mayor Regovich  
(Heckman was absent)

ALSO PRESENT: Councilman David Phares

Approval of Minutes

November 8th, 2021 meeting minutes were approved. Motion by Mr. Hren, second by Mr. Rising Vote: All ayes. Motion carried.

Development & Plan Review Committee - Mr. Rising

Mr. Rising had nothing to report tonight. Mr. Rising indicated that he has the Planning Commission manual available this evening. He stated that he was not sure what other board members have one. At this time no other board members have this manual. Mr. Rising has contacted a previous board member that he has not heard back from with regards to obtaining the additional manual. This manual will make it easier for new board members coming onto the board understand the responsibilities. There was some discussion regarding making the manual an electric version to be available moving forward.

Rules Committee - Mr. Rising

Mr. Rising had no report tonight.

City Engineer's Report - Tim McLaughlin

There was no written report submitted and City Engineer was not present.

Law Director's Report

Ms. Landgraf had no report tonight.

Architectural Review Board - Mr. Heckman

Mr. Heckman was absent and no report provided.

Community Reinvestment Area (CRA) - Mr. Carden

Mr. Carden had no report tonight.

Public Portion

The public portion was opened at 7:38pm with Councilman Phares present to discuss details from the Safety Committee. Councilman Phares advised that there are two issues that came to the Safety Committee last month. The first issue is the party/event centers, Councilman Phares provided details regarding a party/event center that came into the City of Willowick last year around March, within a month or two the police department was called due to people fighting in the parking lot, urinating in the parking lot, being present and partying until midnight / 1 in the morning. Councilman Phares advised that he believes the final straw with this establishment was gun shots being fired. He asked Law Director Landgraf what steps we took at the time, he asked if we threatened to pull their license. Law Director Landgraf stated that the Chief Building Inspector sent the establishment a notice that they had been in violation of their permit and then they just ended up moving. Mayor Regovich advised that the landlord for that building ultimately advised them to no longer operate. Mr. Carden asked if it was the gun shots that made us pull the permit or if it was a combination of nuisance calls. Law Director Landgraf stated that it was primarily due to the juvenile delinquency, due to juveniles renting the space out and having parties. Mayor Regovich stated that Eastlake had an event center that got out of control, they were under conditional use, they pulled the conditional use, he said all of a sudden these event spaces started opening up. We had the event center on East 305<sup>th</sup> Street and it seems that any time there is alcohol involved and with the state of Ohio laws stating they are allowed to bring alcohol in they just can't sell it makes it difficult to regulate. Law Director Landgraf stated that this one in particular there was an increase of juveniles outside the establishment and the police continued to be called there. The City of Willowick has an ordinance that requires that if there is increase in crime, criminal activity or juvenile delinquency, noise and additional items of that nature, we can notify the business owners that there has been a violation, they have 10 days to correct it. This business owner chose not to do anything about it and ultimately just left. Law Director Landgraf stated that we do have an ordinance that requires action before we can do anything, so there was a conversation with Councilman Phares and the police department about potentially coming up with an ordinance to get out in

front of the situations that would regulate and make it a bit more structured about what they could be doing inside these event centers rather than "here is your business permit, please do not commit crimes." Mr. Houry to Mayor Regovich, "you stated that Eastlake had a conditional use tied to their permit, would that give them some power to control it?" Mayor Regovich stated that he believes that is correct, however we do not do that here. Law Director Landgraf stated that we cannot do conditional use permits on this particular area or type of business because that would be a change of use, it is currently a permitted use of that district. Mr. Houry stated that could be an automatic requirement to start off with if we are going to have to deal with this. Law Director Landgraf asked to specify and Mr. Houry responded with we would create a conditional usage and Law Director Landgraf advised that it would have to go on the ballot to change that use to a conditional use because it is already zoned, change of use or re-zoning requires it to go on the ballot. Mr. Carden asked if that was based on the physical location, this area is zoned as xyz, Law Director Landgraf stated that yes, a conditional use permit says that this is allowed in the given district but only under the following circumstances. Then the Planning Commission or whatever body is entrusted to regulate those would come up with a list of criteria. The business can operate under that criteria but it is considered conditionally permitted, so you have to follow the following conditions, we cannot do that here unless it were to go on the ballot to change to a conditional use. Mr. Carden stated that in the meantime (in this previous case) we just had, due to complaints and nuisances we were able to on the back end. He stated the plan here is to try to get out ahead of it and have something specific in place and asked for thoughts on what the specific verbiage would be. Councilman Phares stated that since then we have had 2 more of these same types of businesses apply and they have been approved, they are both at NorthShore Mall, one is in the old video store at the end and then other is inside the mall area. It was asked if there were police at that location about a week and a half ago in the afternoon. Councilman Phares stated that he is not aware about any calls regarding that location. Mayor Regovich advised that one of those two locations are not open and operating yet and he is also not aware of any calls regarding the business. It was asked if this was the plaza with the Tuscan restaurant, and the Mayor Regovich advised that yes it is in that plaza. Councilman Phares provided some of the ideas that the Safety Committee came up with which is: no alcohol allowed, which seems alcohol drives the problems, events no later than 11pm, if alcohol is allowed then security needs to be present and then also require private

security that the event center needs to be responsible for obtaining. Councilman Phares stated that Police Chief Turner has already said that he does not like the idea of having his officers going to work an event center after hours, specifically in the event of a situation where only one officer is acting a security for over 200 attendees, he has expressed a dislike with that. Councilman Phares stated that another recommendation would be to limit these types of establishments to only 2 allowed in the City of Willowick, which we have now so not to allow any additional event centers in the city. Councilman Phares stated that at this time these establishments seem to be a "fad", people get kicked out of one city and they then move to another city where it is allowed. Mr. Foisel asked if these are the types of events where they are getting a DJ service in there and everyone brings their own alcohol. Councilman Phares indicated that there is no one working at these establishments, it is a situation where the person that is running the establishment gets clients to sign up and they say that they are going to unlock the establishment for them and then that is it, there is no one working onsite to control anything like how establishments such as LaMalfa has, which has a full staff onsite for the duration of the events. Mayor Regovich stated that these types of businesses start out when they apply for the business stating that they are going to be a sip and paint type event center, host baby showers and wedding showers, but then they turn around after being approved saying they are now opening up on Friday and Saturday nights too, which in turn the issues start taking place, he did indicate that it does not always happen that way but we do have to take their word for it, which is why David Phares wanted to present this to the Planning Commission board members to take a deeper dive into this as we would like some additional control, we want to be able to make the decision on how many of these types of establishments we want to have in our city, we are a small 2.4 mile city, how many of these establishments do we need. He also stated that these types of establishments are not a big money maker, tax payer business for the city. Mr. Mohorcic asked the board and Mayor Regovich if council or the mayor's office want these types of business in the city as he believes if we eliminate alcohol, we eliminate those businesses coming into the city no matter what because the idea is to bring alcohol in there. If there is not an appetite for that then he would change it to the businesses would have to pay the city for having an officer on duty, although he understands the Police Chief expressed concern but maybe there is something along those lines that we can put in place where the businesses would have to cover the cost of have 2-3 officers on duty paid by the hour and what we decide as

council what that fee would be along with the Police Chiefs recommendation would be the fee they pay and potentially instead of only one officer they would need to have two officers so this way that is written in. Mr. Houry advised that when Lake Front lodge is rented out and there is alcohol there has to be security in place. The board indicated that is also the situation for Dudley, Manry and other city buildings. He indicated that we could potentially use that as a template to work from. Councilman Phares suggested that since Bayridge has their own party center and regulations plus the regulations from the city, Mr. Foisel stated that the most important piece of this although the police chief does not like it and it does not necessarily have to be a Willowick Police officer, but implements that there has to have security there because that would stop the underage drinking and without that then they would be shut down either way. Mr. Houry stated that the 11pm closing time he believes will definitely help along with the alcohol would be a good start. Mr. Foisel asked if the alcohol would be something we would have to get approved. Mr. Carden stated that he would like to take a step back quickly as he is not familiar with these types of businesses as this is the first he has heard. He stated that he is familiar with traditional banquet centers, and asked if this is essentially the same thing as a banquet center or are they specifically different in some way that it is just a front and an excuse to get in and cause a scene. Councilman Phares stated that this type of business that just opened up in the video store, he met with her and she stated that her previous business was wherever her client was having a party, she would could find a place in the city and then she would have to move all around her props or party items so now she wanted a permanent place where she can tell people to go to her establishment and she will handle all aspects. Mr. Carden asked if there is anything legitimate about her business, Councilman Phares stated that she had a whole full binder that he was able to view pictures of previous parties she has coordinated such as anniversary's and birthdays. Mayor Regovich stated that this is basically providing a space for a group of people for a party or gathering, this is not a staffed space. These are no different from renting the Dudley field house or the community center. The clients renting the space would go in and set up your party. The establishment that we are referring to here, the owner of the establishment may set up and decorate for her clients for an additional fee and that is how she makes extra money however some of the other event centers are not like that. Mr. Carden asked then there is no liquor permit is needed. Mayor Regovich stated that the state of Ohio states that they do not need a liquor permit if they are serving alcohol, as long as

they do not sell it or produce it they do not need a liquor license. He stated that you can take liquor into restaurant and they charge corking fees and things along those lines if they do not have a liquor license. Mr. Carden said hypothetically if the board decided that the recommendation would be how about we do not allow these types of establishments at all in our city. Is there any downside, as it does not seem to be a money maker for the city? We can make this as strict as we want, we can't just say no party center because it needs to be determined party centers is defined as xyz. If our intent is to say we just do not want to have any place where people can get together that doesn't meet a certain criterial like a traditional banquet hall. Mr. Mohorcic stated that it is already under the zoning so it would have to go on the ballot, Mr. Houry stated that is what he was referring to regarding a conditional permit. Mr. Mohorcic stated that it would not be a conditional permit, it would just be taken out of the zoning code which you would have to go to the ballot for that change since it is currently permitted under the zoning. However, Councilman Phares stated that council could legislate a set of rules. Mr. Mohorcic agreed that the rules could be changed however we cannot just say we do not want any party centers. Mr. Foisel stated that he does not believe a change in the set of rules could be more restrictive then what we have in place for city buildings such as Dudley Fieldhouse either, he believes we would have to fall under the same lines that we are doing with Dudley. Law Director Landgraf stated that we certainly do not want to discriminate against private enterprise to support the city making money or the city facilities being utilized, she stated to be cautious about requiring city police officers be employed because it is a private company but certainly security measures in place. Councilman Phares stated having something to fall back on should something happen we can say you (meaning the company) violated this, this and this and this is your first warning. Mr. Carden stated that all makes sense. Mr. Foisel stated that there is a legitimate need for these types of establishments as he is currently trying to schedule his son's March birthday party, all city buildings were booked up so he had to go outside of the city. He stated that for something like that a staffed facility is not needed, he just needs a big enough facility to host many people. Mayor Regovich indicated that our city buildings book year round. Mr. Foisel stated alternatives can be a good thing but they should be succumbed to the same rules and regulations that our city facilities are. Mayor Regovich stated that since we do not have control of type of party center establishments since they are not city buildings it's more difficult for council. He stated that he hates to discourage any type of

business to come into the city. If the party centers do something wrong, they bring the wrong crowd, there is nothing but trouble and our officers have been on site on multiple occasions he wants the ability to say here is what happens if those things take place. Mr. Mohorcic stated that regarding security we would have to define that out, stating that if it cannot be a city police officer, it cannot be a college bouncer for instance. He stated that if it is broad enough there is potential for an 18 year old to work the front door. Law Director Landgraf stated that any new business in the City of Willowick has to go in front of the plan review board, so in order the plan review board to apply a set of standards you need to set that out for them and then the plan review board will vet that, and determine what kind of security would be in place, it's not my uncle that is going to be the security. Mr. Mohorcic stated that we would have to set that definition. Law Director Landgraf agreed and stated that Planning Commission would need to establish these guidelines so that Plan Review Board can apply it and Chief Brennan and the police department can enforce it. Mr. Mohorcic stated that we need to define security as specific security to make sure it is not a friend or family member who knows everyone at the party. He advised that if we do go that route, which he believes we should, then we urge against having city police officers, indicate that they would have to pay them time and a half to help deter them from using city officers. Mr. Houry asked if the city gets revenue from the event centers in the city currently. It was advised there really is not. He stated that it is not a revenue based enterprise. Mayor Regovich stated that the property tax we are already getting from the building owners. However, having businesses in empty areas have them up and running it looks astatically pleasing for our city. Mr. Houry asked if there are bathroom requirements for these types of businesses and Mayor Regovich stated that would fall under the Building Department. Mr. Houry asked if there was a way we could limit it based on the amount of bathrooms in the location as we did with the fitness center and the massage parlor like the certain types of sinks and water facilities. Mr. Hren stated that the Larimar fitness center had to have adequate fire escapes and be handicapped associable based on the amount of people that could possibly be inside the fitness club. Mayor Regovich stated that, those items would fall under occupancy. Law Director advised that ingress and egress would fall under the Plan Review Board. Mr. Hren stated that if there are 100 people inside the establishment and there are only 3 doors to get in and out of the building in case of a fire. Law Director Landgraf stated that the problem that the Plan Review Board runs into is that these are permitted without any



regulations at all so you can't really violate someone when there are no regulations in place. Mr. Carden asked the board if alcohol, curfew and security are the biggest levers. The board agreed. Councilman Phares stated that we have an ordinance 755.09 that states that no business shall be conducted between 1am and 5am so that is already on the books. Mr. Mohorcic asked if we could push that to 11pm to 5am. Councilman Phares stated that we could make it specific to event centers. Mr. Houry asked if coming up with certain restrictions and regulation would help. Councilman Phares stated yes it would just come from council. Mr. Houry asked if there are any other communities that we could contact to see what they have in place. Councilman Phares contacted Mentor and they do not have anything in place. Mr. Hren indicated that Wickliffe has a similar problem with an event center in their city. Councilman Phares said he believes it is also under chapter 755, the Commercial Establishment, when the business fills out the form and get their business with the Plan Review Board on the bottom it says if you conduct your business in which brings in more crime or taxes the police that we have the option to warn you and potentially pull your license. Mayor Regovich advised that currently if we had to do that, Mayor Regovich as the Safety Director would send a letter to the business owner stating that they had certain amount of days to respond and they are allowed a hearing in front of the Safety Director at which point he would identify what the issues are and determine what is going to be done to fix it. If the same situations continue at that time the Commercial License would be taken away. Mr. Mohorcic asked if they have to submit a written response within 10 days. Law Director Landgraf responded saying that it is not a set 10 days, they have to be given a reasonable time to comply. She advised that there was a bar in the city where there was a lot of firearm issues and they were cited, they then had a meeting with the city where they showed some of the measures that were taken. So it all depends on the egregiousness of the situation is and what a reasonable time to comply is. The ordinance does not give a specific time frame. It all depends on how bad the situation is. Mr. Mohorcic asked if we can require a written response. Law Director Landgraf stated that we could require a written response and it would fall under the code section discussed by Councilman Phares for citing Commercial Establishments. Mr. Carden asked that in terms of security what we already have in place in terms of ordinances, Councilman Phares stated that he did not find anything we already had in place. There was some discussion regarding the security requirements for city buildings. Law Director Landgraf stated the reason for the police requirements for the city buildings is due to liability, if someone is

injured in a city owned building there are some differences in liability. She stated for a private business she would recommend if the board is considering this then that business owner would need to provide security depending on the amount of people, one police officer or security guard for instance with 300 people is not realistic. Mr. Carden asked regarding these businesses if they would need to get approved per party or if once they are approved they can operate without being approved per party. Law Director Landgraf stated that would be the responsibility of the business owner to make sure that they have the appropriate amount of security per party. Mr. Carden stated that we would need to outline that out providing a number of security officers per the amount of people attending that event. Law Director Landgraf stated that yes we would need to dig in and specifically state the amount of security requirements per the amount of people. There was some discussion regarding the differences between a party center and special event permits/requirements. Councilman Phares advised the board that he will get a copy of Bayridge condos party center security requirements as a guideline for what we want to put into place. Mr. Morohcic indicated that he believes that we should mirror the requirements we have for city buildings for these event centers coming into our city. There was some additional discussion regarding alcohol and security. Mr. Mohorcic suggested that carbon copy Bayridge's set of requirements and then have a set of limits for example over 50 people that party center has to at least notify the police department that they are having a party with people although the officer does not need to be there, that they run a car through there, this way when the officers are on general patrol they are aware and monitoring the situation which may be an easy way where we do not have city officers we are paying at a private enterprise and we are mirroring what we already do. He indicated having police presence may limit the amount of issues we have been having since they could mitigate when it is getting out of hand they can shut the party down and it is not impeding on private enterprise. It was asked how we would know how many people are going to be at this location, Mr. Morohcic stated that it would be on the business owner to notify the head count of the party. The board had a discussion about obtaining the police chiefs opinion on his officers either providing security or patrolling the area more when we are aware of a large party, the event size and the requirements for security and how to obtain a city police officer for the event and what the recommendation from him would be as far as how many officers per how many people. Councilman Phares will be providing the board the notes that the Safety Committee came up with for these types of establishments.

It was asked that if these establishments would have to prove the legitimacy of the private security and would they have to be bonded like a contractor. Law Director Landgraf responded stating that private security firms do not have to be bonded, that is more for the protection of the city. Law Director stated that how this would all work, the Planning Commission board would establish a set of guidelines and then the event center would be approved at the Plan Review Board. Then it would be outlined at Plan Review on how many security officers would be required per the established amount of people, then if an officer drives by and sees an excess amount of people, the officer would stop in and ask where the security officers per your permit. If there is not one there then at that time we would have to take action. We would set the guidelines and if they do not comply with them they then would be cited. Mr. Mohorcic again said that we can establish a set of guidelines regarding security. Law Director advised against having city police officers as the security in place for these event centers, she stated that this should be entirely private security firm hired directly by the event center. They would provide the security measures and security company information to the Plan Review Board for approval. Mr. Houry asked about how a contractor registers in the city, also about the fees to register and if that would be something we could require of the security firms to do, register with the city. Law Director Landgraf advised that she does not believe that private firms have to be bonded and with contractor registration that is for the protection of the Willowick homeowner's. It was discussed again about having the Police Chiefs option and recommendation on the security whether private or city police officers. Mr. Carden stated that we will come up with security guidelines that we think makes sense, we look at the requirements Bayridge has in place, define the requirements out as specifically as we need to, we work with existing code, change the requirements on curfew with regards to event centers, beyond those topics is the alcohol security requirements, if no alcohol then no need for security measures. Mr. Rising asked if there was anything stopping these establishments from putting a notice on social media indicating that they are having a party at the center and charge per person at the door. Law Director Landgraf advised that she does not believe there would be an issue with the center doing that however they would have to still follow the guidelines that will be in place. There was some discussion regarding parking with that type of situation. Mr. Carden asked that if there are only going to be requirements for security if there is alcohol but what if the attendees bring in substances for the party. Mr. Foisel stated that we would require security

because illicit drugs are illegal. We cannot assume that anyone or company is going to is going to engage in criminal activity. Mr. Houry asked if there was any requirements for noise levels, it was determined that would be something we want outlined as well. Law Director Landgraf stated to look at other cities that have conditional use in place and see what they have outlined, as a basis to go off. We currently have a noise ordinance in place that is pretty specific.

Mr. Carden stated that we shall move on to the next topic that Councilman Phares has to present to the board this evening. Councilman Phares stated that with the party event centers he would like to move quickly on this before more try to come into the city as we do not have anything in place and no way of stopping them, we do not want to have too many in the city. We will correspond via email regarding other city requirements, reviewing ordinances and then come back together after reviewing to discuss further. We discussed a special meeting and came up with Tuesday, February 22<sup>nd</sup> 2022 at 7:30pm.

Councilman Phares presented the next topic of marijuana dispensaries in our city. Chief Brennan and Mayor Regovich have both received calls regarding properties in our city for a dispensary and asked what we have on the books regarding guidelines. He advised that the state is doing a lottery and you have to have a site established before you can win a spot in that lottery which is why people are calling and submitting for them. Chief Brennan made Councilman Phares aware of this and it was discussed with the Safety Committee. Wickliffe, Eastlake and Mentor on the Lake all have identical ordinances pretty much reflecting what the state of Ohio revised code says, about 12 chapters that talks about the medical marijuana program, business license requirements, permits required, specific characteristics required for the license and procedures for obtaining the licenses. Councilman Phares stated that while at Safety Committee speaking with Mayor Regovich, he stated that if we do not do anything and have nothing on the books now we would default to what the Ohio Revised Code says, which has sections with about 31 chapters which covers a lot more. Mayor Regovich stated that his option with the Ohio revised code which is probably the most stringent and more hoops that would need to be jumped through to be able to get a dispensary in the city. He believes that this law is going to change as there are enough people and petitions to get on a ballot independently to make it more recreational. He stated that if we go ahead and pass legislation now, we are going to end up changing it repeatedly which is not something that we want to have to do. He stated

what the ordinance does do in those cities is establish a permit fee which is usually a larger amount. If it is a legitimate business and if they are going to be recognized by the state of Ohio, however they are not federally recognized yet. He stated that it is a money grab, they have a yearly fee. It was asked what the fee is and Law Director Landgraf stated it is \$20,000.00 annually per license. It was asked what the business fee is yearly now for businesses in the city. It was answered as it is based on the square footage of the business. Mayor Regovich stated that Wickliffe has a dispensary and Eastlake has a grow facility. Mayor Regovich stated that the way it is laid out now, the state of Ohio lays out the security measures. There are a lot of measures in place for the marijuana dispensary's and grow facilities. He stated that it would be good for Planning Commission to take a deep dive into it and see what the difference between what the cities passed and what the Ohio review code says, looking at the 3 different agencies in the state of Ohio that regulate it. Mr. Carden asked if the \$20,000.00 is meant to be a disincentive or an obstacle to overcome. Mayor Regovich stated that no because with most cities do is pass a moratorium stating that they do not want them there. So Eastlake and Wickliffe said they could go into their facilities but with a fee, since not a lot of cities agreed to have them come into the city they were willing to pay the fee. This is a case of supply and demand, since there are only a few cities allowing it so they can change because of that. We do not have an area where we would be able to allow a marijuana grow facility so with a dispensary it is a small business with maybe a hand full of employees. It was asked if essentially then all we will be getting is a small yearly permit fee and Mr. Houry asked if we have a dispensary in the city there is no revenue coming from it. Mayor Regovich stated that these dispensary's are very nice facility's more along the lines of a high end retail shop, you have to be buzzed in, you have to present a medical marijuana card, you have to have an appointment, they bring the items out to go and explain the types and it is all regulated THC. Councilman Phares stated that we would need to look at where we would want to zone these, do we want these on Vine Street, do we want them on Euclid Avenue? Mayor Regovich stated that there is a state code indicating where these are allowed to be within a city, they cannot be around a school, library, church within a certain amount of feet. It was asked what the radius is and if it could be increased. Councilman Phares stated adult book stores/entertainment is 1000 feet, which is did a map of that and the only place it would be allowed would be where the rock crushing site is on Euclid Avenue. Mr. Houry stated that by those requirements it looks

like we would only be able to have one in the city. Councilman Phares stated on the other side of things there is a stigma of marijuana with the residents, there may be a lot of people that are going to question why the city is allowing the dispensary in our city, which is where the public meeting comes into play so we can explain to the public what we are doing and then try to get some residents at the meeting with their opinions which is always important, we want to make the residents are aware. Mr. Houry stated that to be clear if we were to allow this type of business in the city based on the radius we would only be able to have one, to which was agreed upon. Law Director Landgraf advised that this type of business is allowed in the city already under a regular business. Mayor Regovich stated that we could limit them, we could put a moratorium on them, and we can make our own ordinance like other cities have. Mr. Houry stated that he would not like to see more than one in the city. Mr. Carden wanted to get a temperature check on the dispensaries, for instance if it was \$100.00 business fee are we here of the belief that these are fine as anything else to bring into the city or does anyone here have an opinion such as this is not something we should be associated with. Councilman Phares stated that council put a limit on was the gaming centers in our city, a limit of 4 was put in place. Those establishments do bring in revenue. Mr. Mohorcic stated that he has with him a copy of Eastlake's Ordinances outlining marijuana establishments and it gives Planning Commission a lot of power to regulate these items. He stated that if we did put in an ordinance he would either do a gestured on medical marijuana because they are typically private equity based so you cannot get a loan through a bank because it is federally illegal. They have to get venture back capital so they are nice facilities and very clean. The state tracks the grow facilities and everything they plant, from a seed to a plant to when it is fully matured harvested and sold. So he does not think a medical marijuana dispensary is necessarily a bad thing, however he would like to see a higher permit fee. The city should be getting revenue while they can be, if we want to levy \$20,000.00 and we have one area for it then we should allow it. On the other end of that they need to find a place since a lot of other cities are not allowing them it becomes a supply and demand situation. The other benefit to allowing it, outside of revenue, would be them taking an area that is not pleasing on the eyes and turn it into an area that is operating and looks good. Provide the public with the details that we would be passing an ordinance for medical marijuana and then we could put a moratorium on anything for recreation use for a marijuana facility. It was advised by Mr. Houry that recreation is illegal in the state of Ohio. Mr. Mohorcic stated

that while he understands that it is currently illegal when/if it does become legal we would already have a moratorium in place, we would be ahead of the game. We would let the public know that at this time if we allow the medical marijuana dispensary in the city, we would not allow anything of recreational use, this way if recreation becomes legal then we are ahead of it. There was discussion amongst the board members regarding the incoming of fees the city would get, limitations that would be in place and then how they can improve the location they are obtaining.

It was determined by the board to hold a future special meeting to determine if we are going to recommend both the event center establishments and marijuana dispensaries to council for review. In the meantime the board will review details of surrounding cities, ordinances, fees, etc. to be prepared for the upcoming special meeting.

This special meeting will be held on Tuesday, February, 22<sup>nd</sup> 2022 at 7:30pm at City Hall.

Prior to the closing of the meeting Mayor Regovich introduced our new Planning Commission board member Patrick Mohorcic who is currently the Deputy Director of Planning and Development at Lake Development Authority

Remarks - Old Business

There were none at this time.

Remarks - New Business

There was no new business.

Adjournment

Motion by Mr. Mohorcic, second by Mr. Carden, to adjourn the meeting. Discussion: None. Vote: All ayes. Motion carried.

The meeting adjourned at 9:25 p.m.

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Mark Carden, Chairman

ATTEST:

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Heather K. Boling, Building Secretary



**City of Willowick  
PLANNING COMMISSION**

Monday, October 09, 2023 at 7:30 PM  
City Council Chambers

**ADA NOTICE**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

**MINUTES**

**Call meeting to order**

Chairman Carden called the October 9th, 2023, Planning Commission meeting to order at 7:30pm.

**Pledge of Allegiance to the Flag**

**Roll Call**

**PRESENT**

Chairman Mark Carden  
Robert Houry  
Joan Raymond  
John Urwin  
Adam Fortney

**ABSENT**

Jef Hren  
Eric Foisel

**ALSO PRESENT:**

Councilman Phares  
Councilwoman Antosh  
Councilman Loncala  
Council President Koudela

**Approval of Minutes**

Planning Commission Meeting Minutes - September 11th, 2023

Motion made to approve the September 11th, 2023, Planning Commission meeting minutes by Ms. Raymond, Seconded by Mr. Urwin.

Voting Yea: Chairman Carden, Mr. Houry, Ms. Raymond, Mr. Urwin, Mr. Fortney



**Development & Plan Review Committee**

None.

**Rules Committee**

None.

**City Engineer's Report – Mr. McLaughlin**

None.

**Law Director's Report – Ms. Landgraf**

None.

**Architectural Review Board**

None.

**Community Reinvestment Area – Mr. Carden**

None.

**Public Hearings**

None.

**Public Portion**

Chairman Carden opened and closed public portion at 7:33pm with no public approaching to speak.

**Remarks – Old Business**

Continuation of discussion regarding car repair shops in the retail districts

Chairman Carden advised that at the August and September meetings Councilman Phares provided the board with some possible standards for car repair shops in the retail districts, currently we do not have anything on the books in regard to this topic, ordinance wise. Chairman Carden stated that he provided items such as unsightliness, vehicle storage, positioning of bays as well as the duration of time a vehicle is at a repair shop. The board discussed this during the September meeting and the idea is that in time we would draft up an ordinance for the city to send up to City Council. Chairman Carden advised that due to the absence of Mr. Foisel and Mr. Hren we will only be discussing car repair shops in the retail districts but not voting on anything as we would like to have the full boards opinions, he hopes that we will be able to put something together during the November meeting.

Chairman Carden stated that during the last meeting he had requested that the board go through the ordinances for other cities regarding car repair shops in the retail districts provided by Councilman Phares and note items they would like to use, strike or change. He provided his insight based on what was provided. He stated that at this time he will go through his thoughts on the items as there are some items he would like to strike, some to combine and then some to use.

He stated that these will apply not to any existing car repair shops, they would apply only if a car repair shop were to close and stay vacant for 6+ months or if a car repair shop was built. Chairman Carden stated the board is all in favor of both attracting and keeping the businesses we have in the city while also being interested in some degree of ascetics, cleanliness and implementing some basic guidelines for appearance.

Chairman Carden stated that his views are as follows based on reading some guidelines provided by Councilman Phares from other cities:

Paving, the lot of a repair shop should be entirely paved except for building and landscaping: Chairman Carden stated that to him that seems standard for all businesses parking lots.

Entrance to service bays: He stated to add "where practical" these should not face the public, however there was some discussion regarding the size and location of the shop.

Chairman Carden stated that the next two topics can be combined: regarding the repair activities and enclosure. He stated his change was to read: All repair activities except for minor repairs (we would need to define minor, such as changes to windshield wipers) should be conducted within an enclosed building, scraping the word entirely. There was some discussion regarding scraping entirely and minor repairs.

Premises shall be kept (Chairman Carden added the word reasonably) neat and orderly condition (scraped the words at all times) free of equipment, litter/debris and discarded automotive parts. There was some discussion.

Storage: Vehicles may be stored outside of the building; there was some discussion regarding a timeframe of storage. There was some discussion about timeframes, the definition of a vehicle inoperable.

Storage of used tires: this can fall under the abovementioned of premises be kept in orderly condition.

Vehicle Sales should not be conducted on property of car repair shops.

There was some discussion regarding a screen to block the public's view, Chairman Carden stated he does not think this is necessary.

Chairman Carden does not have any thoughts regarding the lot size.

Illuminating signage should be shielded from adjacent residential districts may be overkill due to the locations of the repair shops.

Chairman Carden stated with regards to overnight storage, he does not have any issues with that.

No auto station within 300 feet of a church or school, he believes that's more of a noise thing and he doesn't believe this would be needed.

Mr. Fortney in response to Chairman Carden's notes stated that regarding the bays facing the street, he does not think it is that big of an issue and provided examples of current repair shops in the city. He stated that if there is a new repair shop that comes in and builds, he thinks then at that time possibly have them face the side. However, if a new owner comes in and buys an existing shop, after 6 months, they are going to be required to then have the bays face the side, that would be a big ask and they would need to tear the building down and rebuild. He stated that as far as doing repairs in the parking lot, he was thinking somewhere along the lines of basic services, batteries, wipers, headlights, there was some more discussion regarding basic services. Mr. Fortney advised the board that he went out and spoke with a relative of his that owns a car repair shop, he stated that regarding tires, the repair shops need to not have their tires stored outside or visible. He also spoke about used oils and fluids; it may be good to look at requiring these items to be stored inside. There was some further discussion regarding the storage of tires in an enclosure. There was also some discussion about storage of a vehicle outside and if the vehicle is "movable" the outside storage is fine. However, the vehicle should not be stored outside on jacks.

Mr. Houry stated that he agrees with the above discussed points. He touched on a few of the topics discussed. He stated the board just needs to get everything into an organized order. He also asked who would be enforcing what we are looking to possibly put into place.

Ms. Raymond stated that she had spoken with a repair shop owner in Willowick and something they were most concerned about was making it tougher to come into the city. She stated the owner advised that the days of a neighborhood mechanic are quickly fading, due to kids not going into the trade and when they do, they are picked up by corporations. She stated as far as storage, the owner asked where the city would like them to put these vehicles/items. The repair shops are doing their best to conduct a business and get the cars on the lot fixed and out. She stated that as long as the car is movable, is plated and has a vin number, she is not sure what the issue is with the car being on the lot. There was some discussion regarding the word movable. She stated that outdoor storage of tires has been like that for some time and changing it now would endure more fees for the shop. Councilman Phares wanted to make it clear that anything that is sent to City Council would not affect the repair shops that are currently operating. Ms. Raymond wanted to clarify that what we are saying is that an existing repair shop can store tires outside and nothing will change for them, Councilman Phares advised that is correct, they would be considered legal non-conforming. However, again if a business is vacant for 6+ months, something happens to a repair shop building, and they have to rebuild they will have to comply with what is put in place. There was some discussion regarding ordinances in place regarding property maintenance, as well as what else repair shops could be if they close and reopen as something other than a repair shop. Mr. Urwin revisited the upkeep of a repair shop and eye sores.

Chairman Carden stated implementing a criteria for being stored outside and some discussion regarding the word operable. He also recapped the bays not facing Vine Street for new buildings, he stated that he is not sure that should be a requirement for a new owner coming into a repair shop after 6 months, however splitting the hairs and making that a requirement for new buildings if they were to be built. Councilman Phares stated that the 6-month rule requirement for all businesses after being vacant for 6+ months. Councilman Phares stated that in his opinion that is what we would want. There was some discussion regarding Expert Auto, Mr. Fortney stated that they are for sale and let's say the business doesn't sell and after 7 months its bought and now the new owner would have to tear down the building to conform to what we are possibly looking to put in place. Mr. Fortney stated that he is unsure and thinking about the building, he is not sure they would even be able to conform and have the bays face the side due to the lot size and location. He stated that while he understands what we are trying to do but these are things that come to mind. Councilman Phares stated that's how you effect change on Vine Street, get rid of the old infrastructure and something new comes in. There was some discussion regarding the tanks possibly being in the ground of these repairs shops as most used to be gas stations. Chairman Carden if we could still allow exceptions or variances, Councilman Phares stated that what we put in place for Council to approve would be in place once passed and would not get past the Plan Review Board once in place. They would have to conform to what we have in place, or they would not be passed to open the business.

Chairman Carden stated that while he understands we are looking for change, we don't want to not allow a business into a building that would then go un-used because they are unable to conform. We don't want to make it unattainable to open a business in the city. However, Mr. Houry stated that this is a real difficult thing to determine to make black and white, while he understands the requirement for change along Vine Street. Councilman Phares stated that if a retail store wanted to go into a repair shop, then they could potentially block off the bay doors to make it a store front. He advised that you can always bring other types of businesses into the repair shop store front. Mr. Houry stated that he understands that but with regards to tearing the shop down if it's been vacant for 6 months and then requiring a new

repair shop to start over and build a new building, it stated that if it has to be then it has to be, which may be something the new business would be looking to do anyway. Councilman Phares reminded that it would only be for a repair shop, any other business that fits the retail zoning can go in there with the way it looks but if it's a repair shop, they would have to conform to what is passed.

Ms. Raymond asked how long it normally takes for a business to come into Willowick and open a business. Councilman Phares asked Councilwoman Antosh as she is the liaison for Plan Review Board. Councilwoman Antosh stated that the timeline varies based on the type of business, requirements per zoning, fire department requirements, the Lake County Building Department permits and inspections. She stated it could be a few months or it could be upwards of 6 months. Council President asked that for example if Expert sells tomorrow to a completely different company, they go to Plan Review Board submit plans and gets the required approval, but it then takes 7 months to open, does that count as a new business opening and having to conform to what is put in place? Both Councilwoman Antosh and Councilman Phares stated that it has to sit empty with no movement for 6 months, Councilwoman Antosh stated that for instance they go out of business, and they are trying to sell or rent the building and it goes past 6 months now they have to conform. Councilwoman Koudela stated that because there is a transfer of ownership within that 6-month period it still conforms. Ms. Raymond and Councilwoman Koudela both agreed we are not trying to set up businesses to fail. The 6-month clock stops once there is a transfer of ownership, Councilwoman Antosh advised that these questions may be best for Chief Brennan, but she is pretty sure that if it's the same type of business buying out the old owner and they are walking in and completing the same business then they are still in the 6-month period with being legal non-conforming. There was some further discussion regarding the 6-month timeline and when a business would need to conform to what is put in place. Mr. Houry asked what about the things that are not seen, the building is being seen, what about the potential of tanks in the ground. Councilman Phares stated that he is unsure if it is required to be disclosed or if it is the new owner's responsibility to find out. It was stated that the relator has to disclose that information. Mr. Houry stated if we are addressing the building having to be torn down (after 6 months), we need to also address the unseen as well. Ms. Raymond stated that by law the tanks underground would need to be disclosed to the potential buyer, there are EPA requirements. The new potential owner has to bear the cleanup from taking them out, Councilman Phares stated that they could be left underground however if they start to leak it's the responsibility of the new owner. There was some discussion regarding the ability to reuse the tanks that are underground if there are any.

Chairman Carden stated that we will get down to a concise paired down version of this, for example the portion talking about the facing of the bays, at some point that may come down to a discussion on keeping that or striking that. He stated that we will not be finishing this discussion today as we have members absent. He stated that there are points the board is agreeing on and others that need further discussion with the full board present. The Chairman circled back to defining basic repairs, used tire stacks and storage and new tires. He asked the board for feedback, Mr. Houry stated that he believes there should be some type of enclosure for outside storage of tires. Ms. Raymond asked if they could do something as simple as private fencing. Chairman Carden stated so it should read along the lines of storage of tires should be inside and if not inside then in an enclosure outside. There was some discussion regarding storage of fluids outside and inoperable vehicles. It was stated that there are EPA requirements for fluids, we would follow the EPA requirements for storage of fluids. Chairman Carden stated that he does not see the need for information regarding lot size as well as illuminated signage, however Mr. Houry stated that we should not rule out putting something in place regarding illuminated signage overnight. Mr. Fortney stated that we should already have something in place regarding illuminated signage and if there is not then we should look at putting something in place. There was a

recap by Chairman Carden regarding what we discussed and pairing everything down to a formal format. Chairman Carden asked about an outdoor hoist, Mr. Fortney explained that is a heavy machine to remove an engine and is not considered minor so it would not be allowed outside.

Chairman Carden asked if there are anything other questions or concerns before we wrap up. Mr. Urwin stated that he has a note regarding the lot size requirement, the board spoke about Yano's and Expert because they are located on corners which may be a reason to leave that in the potential ordinance so we can prevent that type of a business on a corner. On a corner, it is visible all around the building, you can't really hide items and/or follow the potential guidelines. Chairman Carden stated that positioning the bays in a different direction at Yano's would be tricky but if someone were to find a way to meet the guidelines, would that be a suitable location, he stated that if it's a nice-looking establishment on the corner then it wouldn't be a problem no matter the type of business. There was some discussion regarding locations of the repair shops on Vine Street. Mr. Houry asked Mr. Urwin that if we keep the lot size requirement in place then it would be a way to prohibit car repair shops on a corner. Ms. Raymond advised that we have 3 corner repair shops. Councilman Phares stated that M&B can face the church if they were to rebuild, he stated they could also face down Willowick Drive. He stated that Expert would face Willowick Drive if they rebuilt but Yano's would be tough because of their lot size and location. Councilman Phares stated that the ordinance could also read that the bays cannot face Vine Street, which would provide some leeway. Council President stated that M&B does not face Vine Street currently, it faces more Willowick Drive. There was some discussion regarding the location of Yano's as well as the building on the lot. Chairman Carden stated that he doesn't think that, that location would be an issue for a car repair shop if it looks ascetically pleasing. Mr. Urwin circled back to stacked tired and questioned standing water. Councilman Phares stated that he has spoken with Chief Brennan regarding property maintenance and stacked tires. Mr. Fortney advised there is a cost for pickup of used tires. Mr. Houry asked what type of business we would envision at the Yano's lot. Chairman Carden stated that due to the lakefront maybe a pedestrian friendly ice cream/sandwich shop. Mr. Houry stated that we do not want to exclude businesses in the city. Councilman Phares advised Chairman Carden that he is going to research a city that has a nice auto repair shop ordinance set up for viewing at the next meeting.

Prior to adjourning Mr. Smith son of the owner of M&B Services approached the board indicating he was unsure at what point to intervene to discuss car repair shops. Chairman Carden re-opened public portion at 8:24pm.

He stated that M&B has been in Willowick since 1989, he stated that he understands what the board is discussing and what is being proposed. He said that he does not like the unsightly shops either and gives all repair shops a bad name. He went on to say there are a lot of points that were addressed during this meeting such as minor repairs in the parking lot, he understands what we are trying to say such as batteries, wipers are quick repairs. However, he stated that he leaves work on a Friday evening and over the weekend there are cars that are towed in and waiting for him Monday morning, such as a ball joint issue that a tow truck towed in and now it is on a jack stand in the parking lot. He said for him to bring that car in the shop, to pay a town truck to tow the car into the shop, to put in on the rack to do a ball joint or pay his employee \$18/hr. for a half hour to drag an air hose out to the parking lot to do a ball joint, while it's not a basic repair per say and he would rather take care of that inside but cost vs actual repair, he is going to send his guy out to the parking lot to make that repair. He said he has 5 bays and if they are full and he is waiting for parts on the cars in the bays, but he has a car in the lot that needs new tires and he has the tires, he is going to jack the car up in the lot and change the tires, which is still not considered a basic repair. He advised that the board would need to redefined somehow. He stated that a simple break job with pads and rotors can also be done in a parking lot. He stated regarding storage, the tires he understands, and he keeps theirs outside in an enclosed area so that they do not get wet as far as

disposal, he advised that he pays \$4-\$5 per tire for disposal and they will not pick up any quantity under 100 tires. He said that for a lot of the shops on Vine Street it is not feasible to store tires inside. There were some points regarding other locations. Mr. Smith also touched on the storage of fluids. He said that based on square footage to say that he would have to store his fluids inside is ludicrous and cannot happen. He said that his antifreeze gets picked up for free, recycled and new is brought back. He addressed the timeline that was discussed for the storage of vehicles in the lot and provided an example of a car on his lot waiting for parts (90 day back order), lack of payment from customer. He said he does not believe that there should be a timeline of a vehicle stored on the property waiting for work. He also provided an example of a car that was not being picked up by a customer, the only way to get that car off the lot would be to endure costs on the business owner to go after an abandoned title. He touched on the bays facing Vine Street, if he were to have to move his bays, they then would face residential homes. He stated that he does his best to keep his business upkept and looking pleasing. He also addressed the 6-month time period and when that timeline stops. Mr. Smith stated there is a lot more that repair shops handle behind the scenes, and he invited the board to come to the shop and take a look at the limited square footage they have. He also talked about the need to have the lot lite up at night to deter theft. He said overnight parking is needed, as he is unable to push a vehicle into the shop at night to then have to push back out in the morning.

Chairman Carden and the board thanked Mr. Smith for coming to the meeting and providing his insight on what we are discussing.

#### **Remarks – New Business**

None.

#### **Adjournment**

Motion made to adjourn the October 9th, 2023, Planning Commission meeting at 8:52pm by Ms. Raymond, Seconded by Mr. Urwin.

Voting Yea: Chairman Carden, Mr. Houry, Ms. Raymond, Mr. Urwin, Mr. Fortney