



City of Willowick
PLANNING COMMISSION

Monday, October 14, 2024 at 7:00 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 14th, 2024, Planning Commission board meeting to order at 7:00pm.

Pledge of Allegiance to the Flag

Roll Call

PRESENT

Chairman Carden
Mr. Houry
Mr. Hren
Mr. Foisel
Ms. Raymond
Mr. Loncala

ALSO PRESENT

Chief Brennan
Mayor Vanni
Councilwoman Antosh

ABSENT

Mr. Fortney

Approval of Minutes

Planning Commission Minutes - September 9th, 2024

Motion made to approve the September 9th, 2024, Planning Commission meeting minutes by Mr. Foisel, Seconded by Ms. Raymond.

Voting Yea: Chairman Carden, Mr. Houry, Mr. Hren, Mr. Foisel, Ms. Raymond, Mr. Loncala

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

Public portion was opened and closed at 7:04pm with no public present.

Remarks – Old BusinessContinuation of the discussion regarding the revision of Codified Ordinance Chapter 1167 - Air Conditioning Units

Mr. Hren and Mr. Fortney have worked on some rewording/revision of this ordinance and adding generators. Mr. Hren stated that they added in some additional terms such as heat pumps and other exterior household units. There was some discussion regarding the verbiage of the revised ordinance. He stated that he will get that document over to Chief Brennan for review via email.

Law Director Landgraf will put this proposal into a formatted ordinance to be reviewed and voted on at next month's Planning Commission meeting before going before City Council for the final vote.

Continuation of the discussion regarding the revision of Codified Ordinance 1165.05 Double Fencing

Ms. Raymond and Mr. Loncala worked on this ordinance and provided a copy to Chief Brennan to review. Chairman Carden recapped from the last meeting what the board came up with was:

- Allowing double fencing given that it is abutting (as close as possible) to the existing fence.
- When installing a fence, either having a requirement for a survey or obtaining permission from all abutting neighbors agreed to bypass the survey.
- Eliminating the 1/4" spacing requirement for solid fencing. Mr. Houry asked if anyone on the board had reached out to the Police Chief regarding his comments on allowing solid fencing. Ms. Raymond stated that she has an email from Chief Daubenmire stating that he has no issues with allowing solid fencing.

Ms. Raymond and Mr. Loncala provided a handout of the proposed revision and wording to the board for review.

Chief Brennan asked if what they are proposing to remove (c) of 1165.04? They stated that is correct.

He asked with regards to 1165.05 double fencing, questioned regarding the survey. There was some discussion regarding the survey requirement or signatures from abutting property owners. Chief Brennan stated with regards to fairness to the property owner putting up the fence, they then would be required to spend additional money to have to have a survey done. Currently, the way the ordinance stands, it is the property owners' responsibility to know where their property line is, which has worked well. If there has ever been a dispute they would need to hire an attorney. Ms. Raymond stated that she believes that people need to know where their property lines are, if you are going to put up a structure. There was some discussion with regards to costs of a survey or getting signatures from his neighbors. There was also some discussion regarding Board of Zoning Appeals. Mr. Hren asked if this change was made in the ordinance and someone wanted to take down and put up a new fence in the same space, would the person have to get a survey. It was advised that yes if this is what is put in place then anyone installing a fence would be required to follow this ordinance. There was some discussion and scenarios as well as homeowners' property being private property. Mr. Loncala discussed a scenario that he was aware of in the city regarding a homeowner obtaining a permit to install a fence, but the fence was installed on the neighbor's property. In that situation the person that the fence was installed on their property had to get a survey and if they wanted to move forward then take them to court. His point to stating this situation is to "nip it in the bud at the start of the process" either get everyone in agreement or have a survey done. There was some additional discussion amongst the board members regarding property lines. It was asked if the changes to this ordinance are similar to what the City of Mentor has in place. Ms. Raymond stated that she has provided the board with a copy of the City of Mentor ordinance, she also spoke with the City of Wickliffe, City of Eastlake and City of Willoughby. Wickliffe and Eastlake do not require a survey, they are however strongly encouraged. There was some further discussion regarding the changes as well as appeals process. Law Director Landgraf provided an explanation of Board of Zoning appeals process. There was some discussion on having the letter notarized (in lieu of a survey) from the property owners and who would be responsible for getting the document notarized. A board member stated after this discussion, to not require the letter from the abutting neighbors to be notarized, it was determined that they will not require the documents to be notarized.

Law Director Landgraf will put this proposal into a formatted ordinance to be reviewed and voted on at next month's Planning Commission meeting before going before City Council for the final vote.

Continuation of the discussion regarding the revision of Codified Ordinance 1165.07 Fences in front yard, Side yards and on corner lot; proximity to sidewalks

The board has determined that there will be no changes to this ordinance.

Discussion regarding the moratorium on recreational marijuana with an expiration date of November 21st, 2024

- Reference Planning Commission meeting minutes - pages 11 - 14
- Reference City Council meeting minutes - page 7
- Ordinance No. 2023-51

Chairman Carden stated that at the end of last month's meeting the board voted to extend the moratorium on recreational marijuana an additional 12 months however it was brought to the boards attention that we are not able to do that. Law Director Landgraf explained that in Ohio it disfavors moratoriums that are longer than 12 months, they will allow up to 18 months, but the city is already at 24 months come the end of November. She stated that if the board were adamant about another moratorium, she would advise not to do it for more than 90 days, maybe 6 months. Chief Brennan provided the board with copies of other cities ordinances with regards to recreational marijuana for review and a basis for the

board of items we may want and may not want as recreational marijuana is legal now in the state of Ohio. It will be treated as any other business regulation, there will always be state regulations that apply, just as the regulations and laws with sales of liquor. Chairman Carden stated that per the previous discussions, a store would only be allowed up on Euclid Avenue, it was advised that is correct. Chief Brennan stated that the handouts he provided are an ordinance the city already has under chapter 788 with regards to business, medical marijuana licensure, and an ordinance that Lakewood currently has in place for marijuana dispensaries. He advised that Lakewood has their ordinance under zoning, and he requests ours would not be under zoning if the board was to move forward however it is a good ordinance to review. He stated that it would be in the Euclid Avenue area, and he believes possibly a small section on East 305th Street. Chairman Carden stated to recap this would be for the city to not prohibit recreational marijuana dispensary but to permit it with guidelines. Law Director Landgraf stated that it would be like any other business, but it would only be permitted within a small area. Ms. Raymond asked if anyone has any idea on the revenue that this can bring into the city. Mayor Vanni stated that the revenue would be big, the number he recently reviewed was a big number. Chairman Carden wanted to clarify that the revenue coming to the city would be from the sales, it was stated that it would be from the tax. There was some discussion regarding the taxes and the revenue that would come into the city. Mayor Vanni stated that he believes the tax was 35% and the city receives 10% of that. Law Director Landgraf stated it is reviewed monthly and paid annually. Right now, 6 different cities in Lake County allow this. There was some discussion on the number of licenses per year that are granted as well as further restrictions, if the city were to not allow a recreational marijuana dispensary in the city it would have to go on the ballot because it is legal by law. There was some further discussion regarding the area that this would be allowed in per the guidelines with regards to schools, daycares, churches and parks. Ms. Raymond asked that if Planning Commission votes against allowing a recreational marijuana dispensary in the city despite the 66% of Willowick residents voting for the passage of recreational marijuana, can City Council still say yes. It was advised that City Council has the final say. Councilwoman Antosh stated that City Council does weigh heavily on all of the city board opinions. The board will review the provided ordinances and revisit this at the November meeting.

Remarks – New Business

None.

Adjournment

Motion made to adjourn the October 14th, 2024, Planning Commission meeting at 8:02pm by Mr. Foisel, Seconded by Mr. Hren.

Voting Yea: Chairman Carden, Mr. Houry, Mr. Hren, Mr. Foisel, Ms. Raymond, Mr. Loncala