

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
REGULAR MEETING  
FEBRUARY 27, 2014  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Fiala; C. Cox; K. Kary; G. Patt; G. Merhar, Chairman

**ABSENT:** No One

**OTHERS:** Mike Germano, Asst. Law Director; Jim Sayles, City Engr.;  
Janice Lipscomb, Econ. Devel. Mgr.; Chris Woodin, Ward 1  
Councilman; Betty Nardelli, Sec'y

**Chairman Gerald Merhar called the regular meeting to order at 7:00 p.m.**

**OLD BUSINESS**

**MINUTES**

**January 23, 2014**

A motion was made by Chuck Cox and seconded by Ken Kary to approve the minutes of January 23, 2014 as written.

**ROLL CALL:** Yeas: B. Fiala; C. Cox; K. Kary; J. Merhar  
Nays: None  
Absent: G. Patt

**Motion Carried: APPROVED**

A motion was made by Chuck Cox and seconded by Bob Fiala to Remove all old business from the table for discussion.

**ROLL CALL:** Yeas: B. Fiala; C. Cox; K. Kary; J. Merhar  
Nays: None  
Absent: G. Patt

**Motion Carried: APPROVED TO UNTABLE OLD BUSINESS**

**JAY BYRAM**  
(Jay Byram)

3872 Erie St.

**CUP -  
sls/SVC alcoholic bev.  
for On-premise consump.  
For Winery & tavern  
C.O.1141.03(c)(17)  
C.O.1109.05(d), (e) & (f)  
D-B dist.**

Jay Byram represented this conditional use permit application,

**Planning Commission**  
**City of Willoughby**  
**Regular Meeting minutes**  
**February 27, 2014**  
**Page 2**

Mr. Byram said he put an addition onto an existing structure for use as storage for the garden center and he decided to use the addition and structure for a winery and a tavern because the garden center wasn't doing so well. Mr. Byram said that he has a license to sell wine and beer. Mr. Byram said that he doesn't have a partner and he doesn't want one.

The new addition will be heated and air conditioned and have restrooms and a bar area. Mr. Byram said he will have temporary heating in the ceiling in the non-heated area. The primary building will also be heated and air conditioned year round.

Mr. Byram said that he will have piped in music, basically bar music. He will also have outside music therefore he will have outside speakers. Mr. Byram said he will have live entertainment inside, possibly on Fridays and Saturdays about once a month. Mr. Byram said he will have a food preparation area but they will not do any cooking.

Mr. Byram said that he will have 47 parking spaces. He will pave the parking lot but only the part of the property that he owns. He will not pave the property that he leases from the railroad.

Mr. Byram introduced Dominic, the wine maker. Dominic said that he is certified and experienced in the wine business. He operated a winery in Wickliffe for five years. Dominic said that entertainment depends on the type of clientele that you have. Dominic said that they are looking for clientele in the age group 40 and 50.

The conditions agreed upon are:

1. Hours of operation:
  - 12:00 noon until 1:00 a.m. - Mondays through Thursdays.
  - 10:00 a.m. until 2:30 a.m. - Fridays and Saturdays.
  - 10:00 a.m. until 10:00 p.m. - Sundays.
2. Piped in music and live music are permitted at a conversational level.
3. An outside bar is not permitted.
4. Outside table service is permitted.
5. Outside speakers are permitted.
6. The dumpster must be screened.

**Planning Commission  
City of Willoughby  
Regular Meeting minutes  
February 27, 2014  
Page 3**

Being no more discussion or questions Chairman Merhar asked for a motion.

A motion was made by Chuck Cox and seconded by Ken Kary to approve the conditional use permit with the conditions discussed this evening.

ROLL CALL: Yeas: B. Fiala; C. Cox; K. Kary; J. Merhar  
Nays: None  
Absent: G. Patt

**Motion Carried: APPROVED**

**Greg Patt arrived.**

**JAY BYRAM** 3872 Erie St. **Site plan -**  
Patio / bocce ct.  
47 p/spaces  
D-B dist.

Jay Byram represented this site plan. Mr. Byram said that there are two pole lights in the parking lot located north of the parking area.

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the site plan based on 47 parking spaces and hard surface and that the pole lights are shielded.

ROLL CALL: Yeas: B. Fiala; C. Cox; K. Kary; G. Patt;  
J. Merhar  
Nays: None

**Motion Carried: APPROVED**

**SCHEDULE P.H.**

**EDWARD FIGLER** Western Pkwy **Rezoning -**  
P.P.#27B-53B-58 3.0975 acres  
P.P.#27B-53B-1 5.9864 acres  
L-I to G-B

Ed Figler represented this rezoning application.

A motion was made by Bob Fiala and seconded by Greg Patt to schedule a public hearing for rezoning on March 27, 2014.

**Planning Commission  
City of Willoughby  
Regular Meeting minutes  
February 27, 2014  
Page 4**

ROLL CALL: Yeas: B. Fiala; C. Cox; K. Kary; G. Patt;  
J. Merhar  
Nays: None

**Motion Carried: APPROVED FOR A P.H. ON 3/27/14.**

A motion was made by Bob Fiala and seconded by Ken Kary to table this rezoning application pending a public hearing on March 27, 2014.

ROLL CALL: Yeas: B. Fiala; C. Cox; K. Kary; G. Patt;  
J. Merhar  
Nays: None

**Motion Carried: TABLED**

<b>PLANNING COMMISSION</b> (Janice Lipscomb)	P.P.#27B-53B-44 45, 46 & 47 Aquarius Pkwy	<b>Rezone - 4 parcels</b> From L-I to G-B
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Janice Lipscomb represented this rezoning application to schedule a public hearing.

A motion was made by Bob Fiala and seconded by Chuck Cox to schedule a public hearing for rezoning on March 27, 2014.

ROLL CALL: Yeas: B. Fiala; C. Cox; K. Kary; G. Patt;  
J. Merhar  
Nays: None

**Motion Carried: APPROVED FOR A P.H. ON 3/27/14.**

A motion was made by Bob Fiala and seconded by Chuck Cox to table this rezoning application pending a public hearing on March 27, 2014.

ROLL CALL: Yeas: B. Fiala; C. Cox; K. Kary; G. Patt;  
J. Merhar  
Nays: None

**Motion Carried: TABLED**

**NEW BUSINESS**

<b>LORETO VENTURE GRP</b>	P.P.#27B-49A-13	<b>Lot split -</b>
<b>(MELROSE FARMS PH III)</b>	Melrose Farm Dr.	<b>3.2561 acres</b>
	Off Lost Nation Rd.	<b>from S/L 61</b>
		<b>of PH III</b>
	P.P.#27BG-47A-6	<b>Combine L/S w/</b>
	<b>AKA 38727 Wood Rd.</b>	<b>Allan &amp; Janis</b>
		<b>Seitz's 3.45 acre</b>
		<b>parcel</b>
		R-80 dist.

Chuck Szucs, Engineer of Polaris Engineering, represented this lot split which was a strip of land extending eastward off of S/L 61 of Melrose Farms Phase III and is now a 3.2561 acre lot split that will be combined with Allan Seitz's P.P.27B-47A-6 parcel AKA S/L 4 fronting on Wood Rd. Originally this split parcel of land was known as S/L 5, S/L 6 and S/L 7. This lot split will be purchased by one neighbor.

**Lot split:**

A motion was made by Bob Fiala and seconded by Ken Kary to approve the lot split as submitted.

ROLL CALL:       Yeas:       B. Fiala; C. Cox; K. Kary; G. Patt;  
  J. Merhar  
                                Nays:       None

**Motion Carried:       APPROVED**

**Combination:**

A motion was made by Bob Fiala and seconded by Greg Patt to combine the lot split with the Allan Seitz lot.

ROLL CALL:       Yeas:       B. Fiala; C. Cox; K. Kary; G. Patt;  
  J. Merhar  
                                Nays:       None

**Motion Carried:       APPROVED**

**Planning Commission  
City of Willoughby  
Regular Meeting minutes  
February 27, 2014  
Page 6**

<b>MELROSE FARMS</b>	P.P.#27B-49A-13	<b>Final plat. -</b>
(Chuck Szucs)	Melrose Farms Dr.	<b>PH III</b>
(Loreto Iafelice)	Loreto Ct.	<b>revised plat -</b>
		S/L 50 to 65
		R-80 District

Chuck Szucs, Engineer of Polaris Engineering, represented this Revised final plat for Phase III. Because of the lot split the final plat had to be revised eliminating the 3.45 acre parcel from the plat.

Jim Sayles said there were no issues in response to Chairman Merhar's question. Mr. Sayles said a clause referencing Campbell's subdivision was added to the plat.

A motion was made by Greg Patt and seconded by Chuck Cox to approve the revised final plat for Phase III.

ROLL CALL:	Yeas:	B. Fiala; C. Cox; K. Kary; G. Patt; J. Merhar
	Nays:	None

**Motion Carried: APPROVED**

<b>SMARTLAND</b>	P.P.#27B-53D-01-0282	<b>Prelim. Plat -</b>
(Steven Gesis)	Lakeshore Blvd.	9 S/F lots
(Dave Novak)		<b>Subdiv. Dev.</b>
		2.586 acres
		RMF-LR / CO dist.

Dave Novak of Barrington Consultants and Steven Gesis, developer, represented this preliminary plan for a 2.586 acres sub-division for nine single family lots located in the Residential Multi-Family Low-Rise zoning district and also in the Conservation Overlay district. A variance for 22' of the required 27' side yard setback for a corner lot for S/L 1 was granted at the February 26, 2014 Board of Zoning Appeals meeting.

The Lake View condos is located west of this project, and Willoughby On The Lake is located south east in response to Chairman Merhar's question regarding nearby developments.

There was discussion on the 38.5' radius width of the cul-de-sac. The Fire Department prefers a 50' radius. Mr. Novak said that the

**Planning Commission**  
**City of Willoughby**  
**Regular Meeting minutes**  
**February 27, 2014**  
**Page 7**

street is a private street in response to Jim Sayles question. Mr. Novak said that they have room to widen the cul-de-sac if they have to in response to Chairman Merhar's question. Mr. Novak said that there is a 10' easement on the east side of the street held by Ohio Bell. Mr. Novak said that they are restricted on that side of the street. All the utilities, water, sanitary and storm sewers have to go under the pavement up to the front yard setback. So that on the plan Mr. Novak said that they took the storm sewer and ran it behind the property on the west property line so when it drains onto the street the sewer runs back to the west side of the project to pick it up.

There was discussion regarding flooding in the area. Mr. Gesis said that the basements of the proposed homes will be higher than Tamarac Blvd. so any water will run towards Tamarac Blvd.

Changes such as eliminating a lot were discussed. Mr. Novak and Mr. Gesis were told that any changes to the plat will have to return to Planning Commission for approval.

Being no more discussion or questions Chairman Merhar requested a motion.

A motion was made by Bob Fiala and seconded by Ken Kary to approve the preliminary plat for 9 S/F lots contingent on the City Engineer's approval of the hydraulics.

ROLL CALL: Yeas: B. Fiala; C. Cox; K. Kary; G. Patt;  
J. Merhar  
Nays: None

**Motion Carried: APPROVED**

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

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Gerald Merhar, Chairman

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Betty A. Nardelli, Secretary