

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

**PRESENT:** R. Fiala; G. Patt; C. Cox, Vice Chairman  
**ABSENT:** K. Kary; Chairman G. Merhar  
**OTHERS:** John Wiles, Law Director; Janice Lipscomb, Econ. Devel. Mgr; Jim Sayles, City Engr.; Darryl Keller, Acting Bldg. Official; Chris Woodin, Ward 1 Councilman; Betty Nardelli, Sec'y

Vice Chairman Chuck Cox called the regular meeting to order at 7:20 p.m.

**REGULAR MEETING**

**MINUTES**

**February 27, 2014**

A motion was made by Bob Fiala and seconded by Greg Patt to approve the minutes of February 27, as written.

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

**Motion Carried:        APPROVED**

**OLD BUSINESS**

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

Edward Figler represented this rezoning application for rezoning. Vice Chairman Cox asked Mr. Figler his opinion on spot zoning. Mr. Figler said that if he were in Forest City's position he probably would not want the rezoning either to protect his General Business parcels located north of his parcels proposed to be rezoned. Mr. Figler said that people on the north end need retail and services and we are chasing them out of our City.

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Greg Patt said that as a general rule, it is good planning to avoid spot zoning although he might agree that it could be looked at to fit in with the population. Then General Business would be the zoning he would pick.

Mr. Patt told Mr. Figler that once the property is rezoned General Business he can't go back to Limited Industry. Mr. Figler said that he had no problem with that.

Vice Chairman Cox said that he reviewed the zoning code book for the different uses and he said it would be difficult to find a use that doesn't fit in with both the General Business and the Limited Industry district. Vice Chairman Cox said that the only use that wouldn't fit in with General Business is combustible liquids and it is in the Limited Industry classification.

Vice Chairman Cox said he is not sure this request would be spot zoning in answer to Mr. Patt's question on how he felt about this General Business request being spot zoning. Vice Chairman Cox said that spot zoning is putting one zoning classification in the middle of another classification and it is not compatible with the surrounding zoning. Vice Chairman Cox said that he thinks General Business is a more flexible classification.

Vice Chairman Cox said that the 2004 Comprehensive Plan stated that we should do this type of zoning at the north end. Greg Patt agrees that the classification should be business there but the general rules make sense, spot zoning is spot zoning. Mr. Patt said that you wouldn't want a rendering plant next door to your restaurant.

Janice Lipscomb said she has had no calls for the Limited Industrial areas. She said that there are too many vacant buildings in that zoning district.

Bob Fiala said that the General Business classification fits in there.

Ed Figler requested that no vote be taken this evening. He wants a meeting when all five members are present.

Vice Chairman Cox requested a motion.

A motion was made by Bob Fiala and seconded by Greg Patt to table this rezoning application.

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

**Motion Carried: TABLED**

**NEW BUSINESS**

**NONE**

**DISCUSSION**

**JASON WOKUTCH**                      36445 Biltmore PL                      **Text amend.-  
Instruc. For  
Martial arts  
L-I dist.**

Jason Wokutch represented this discussion for a change to the zoning code to allow an instruction facility in a building on Biltmore Place that is in the Limited Industrial zoned district.

Mr. Wokutch said he has a business called the Willoughby Martial Arts Academy. He leases a unit with 400 sq. ft. work out area with 300 members with classes seven days a week and he has an opportunity to purchase a building at 36445 Biltmore Place. He would have double the work out area compared to where he is at now. Mr. Wokutch said he doesn't want to leave Willoughby. Mr. Wokutch said his business will grow if he locates a larger facility. Mr. Wokutch said he conducts classes now until 9 or 10:00 at night on week days. Mr. Wokutch said if he had a larger space he would have more classes, end classes earlier in the evening and not have to be there on weekends.

Darryl Keller, Acting Building Official, said that it could go in conditionally. Mr. Keller read the definition for in-door commercial recreation which is C.O. 1103.03(72) which is the closest definition as to what Mr. Wokutch wants. Mr. Keller said he would not consider this. He said he considers this a studio for instruction which is permitted in General Business districts. Mr. Fiala said that this will have to be a text change. John Wiles said that this will have to be in the definitions section of the zoning

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code as to what this use really is. Mr. Wiles recommends creating a definition and also to consider on adding it as a conditional use in the Limited Industrial district.

Janice Lipscomb read the definition for studios located in C.O. 1103.03(140). Mr. Wokutch said that he doesn't have dancing instruction which is one of the items this definition references.

Vice Chairman Cox said that Mr. Wiles, Law Director, will write the language for what is permitted in the zone district that the building is located at. Chairman Cox said that it has nothing to do with the other units in that building. Chairman Cox told Mr. Wokutch said that everyone is okay with having a text change but it will take time to happen.

No action was take on this discussion.

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

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Chuck Cox, Vice Chairman

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Betty A. Nardelli, Secretary