PLANNING COMMISSION
CITY OF WILLOUGHBY
REGULAR MEETING
MAY 8, 2014
REGULAR MEETING
MINUTES

PRESENT: R. Fiala; C. Cox; K. Kary; G. Patt; G. Merhar, Chairman
ABSENT: No One
OTHERS: John Wiles, Law Director; Jim Sayles, City Engr.; Darryl Keller, Chief Zoning & Bldg. Inspec.; Betty Nardelli, Sec'y

Chairman Gerald Merhar called the regular meeting to order at 7:05 p.m.

MINUTES **April 24, 2014**

A motion was made by Greg Patt and seconded by Chuck Cox to approve the **work session minutes** of April 24, 2014 as written.

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

Motion Carried: APPROVED

A motion was made by Greg Patt and seconded by Chuck Cox to approve the **public hearing minutes** and **regular meeting minutes** of April 24, 2014 as written.

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

Motion Carried: APPROVED

OLD BUSINESS

EDW. 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

A motion was made by Greg Patt and seconded by Chuck Cox to remove this rezoning application from the table for discussion.

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

Motion Carried: APPROVED TO UNTABLE

Ed Figler, the property owner, represented this rezoning application. Mr. Figler said that when Anthony Slyman rezoned the Hodgson Rd. property from General Business to Residential Multi-Family Low-Rise it left a void in business in that area. Mr. Figler said that he did a one-mile demographics from Hodgson Rd. extending north on Lost Nation Rd. which included McKinely School. Mr. Figler said that there are over 4,000 residents in that one-mile circle. Mr. Figler said if he raised the circle further north it includes Lakeshore Blvd. and Route 306. Mr. Figler said that service is needed up there. Presently the residents shop at Shoregate and Mentor. Mr. Figler said that he counted the homes above the one-mile circle up to the Lake and he counted 1,000 homes in Willoughby. Mr. Figler said that he didn't count the homes in the lower part of the circle near Route 2. That's another plus said Mr. Figler. Mr. Figler said that something needs to be done up there in that area.

Chairman Merhar said that the biggest issue is spot zoning. The property owner north of Figler's property has not come forward to rezone his Limited Industrial property to General Business which would eliminate spot zoning. Chuck Cox said that if that owner had an issue he would have been at the public hearing. Jim Sayles said that the property owner was contacted and he isn't interested in rezoning his property to General Business. Ken Kary said that he talked to this property owner and he said he has a better chance selling his property zoned Limited Industrial than as General Business.

Chuck Cox said that at the last meeting Planning Commission members compared uses in General Business and in Limited Industrial zoning and most uses are in both zoning classifications or in one or the other. Mr. Cox said this use comparison eliminated his mind about

this rezoning proposal being spot zoning. Mr. Cox further said that Planning Commission could rezone the near-by property without the owner's permission if it was for the good of the City. Chairman Merhar said that he hesitates to rezone anyone else's property.

Greg Patt said that when you set a precedent, you open the door. John Wiles said that spot zoning is slowly disappearing that you barely hear about it anymore.

Chairman Merhar said that General Business zoning will blend well with Limited Industrial zoning areas.

Mr. Figler said if his rezoning application is approved he will talk to people regarding retail use which will probably be grocery in response to Ken Kary's question. Mr. Figler said that the rezoning is not for him, he wants the rezoning to market the property for someone else.

Being no more discussion Chairman Merhar asked for a motion.

> A motion was made by Greg Patt and seconded by Ken Kary to approve the rezoning application for P.P.#27B-53B-58 and P.P.#27B-53B-1 on Western Parkway from Limited Industry to General Business and recommend that Council approve the rezoning.

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

Motion Carried: APPROVED

NEW BUSINESS

GERRILYN DEUTSCH (Bob Schuenaman)	38287 Hurricane Dr.	**Lot split - renew** expired **12/13/12** **Lot split aprv'l** R-60 dist.

Bob Schuenaman represented this lot split application for a lot split approved December 13, 2012 but the approval expired because the deed for the lot split wasn't filed within 120 days of Planning Commission approval there for the lot split became void and it needed to be re-approved.

Mr. Schuenaman said he owns the property adjoining the proposed lot split lot but he doesn't live there. It is rental property. Mr. Schuenaman said he will not combine the split lot with his lot but he will keep it free standing to have a house built on it. Mr. Schuenaman said the lot is a buildable lot.

Being no more discussion Chairman Merhar asked for a motion.

A motion was made by Chuck Cox and seconded by Bob Fiala to approve the lot split for P.P.#27B-48B-18 Hurricane Dr.

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

Motion Carried: APPROVED

ZOUP (David Vorndran, Proj mgr.) (Jamie Buzzana, owner)	36161 Euclid Ave.	**Devel. Site plan – Patio** – west side of bdg 500 sq. ft. G-B dist.

David Vorndran, Project Manager for First Interstate, represented Jamie Buzzana, Zoup Restaurant owner, for this development plan for a 500 sq. ft. uncovered patio on the west corner of the out-lot building of Willoughby Commons. The patio is for a 2,500 sq. ft. restaurant for soup, salads and sandwiches. This unit that has been vacant for a few years was the former Pearle vision.

The patio consists of a wrought iron railing around two sides. The third side that abuts the building will have ballads to protect the patio from the parking lot.

Mr. Vorndran said that the driveway near the patio will be widened to enable trash trucks to drive behind the building to pick up the dumpster. One parking space will be added.

There was discussion about putting the driveway on top of the sanitary sewer easement. Mr. Vorndran said that he checked their rights and they are permitted to construct pavement on top of the easement providing there is no structure built.

A motion was made by Chuck Cox and seconded by Ken Kary to approve the development plan on the condition of the City Engineer's approval of the sanitary sewer confliction.

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

Motion Carried: APPROVED

WILLO GLEN PROPERTIES LLC (Verraco) (Sean Heineman, owner (Joe Hanna, Arch.)	38257 Glenn Ave.	**CUP -** SLS/SVC **alcohol on premise consump.** C.O. 1141.03(17) D-B dist.

Sean Heineman, owner, represented this conditional use permit application.

The hours of operation are:
11:00 a.m. until 11:00 p.m. during the week.
11:00 a.m. until 2:00 a.m. on week-ends.
Outside music, using outside speakers, is permitted at a conversational level.
Live music outside is not permitted.

To be allowed to have a one day live music event outside the applicant will have to modify his application to allow this.

Mr. Heinemann said that the existing gazebo is similar to a lounge. There will be no bar in the gazebo.

The garage doors will be able to open and close. When the garage doors are open the music volume is to be turned down. There was discussion about noise being an extremely sensitive issue. If there are phone calls regarding noise when the garage doors are open the Conditional Use Permit will be deemed void and the applicant will be required to return to Planning Commission.

Mr. Heinemann said that this restaurant will be an upscale casual restaurant similar to the Willoughby Brewery restaurant. Sixty five percent of sales will be from food and thirty five percent of sales will be from alcohol.

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

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

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

Motion Carried: APPROVED

WILLO GLEN PROPERTIES LLC (Verraco) (Joe Hanna, Arch.) (Sean Heineman, owner)	38257 Glenn Ave.	**Addt'n/site** East elev. D-B dist.

Sean Heineman and Joe Hanna represented this development plan for an addition on the east side of the building which is where the existing patio is.

The site plan was discussed at the conditional use permit portion of the meeting.

Being no more discussion Chairman Merhar asked for a motion.

A motion was made by Chuck Cox and seconded by Ken Kary to approve the development plan for an addition as submitted.

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 7:55 p.m.

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Gerald Merhar, Chairman Betty A. Nardelli, Secretary