

**PLANNING COMMISSION
CITY OF WILLOUGHBY
REGULAR MEETING
AUGUST 28, 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.; Janice Lipscomb, Econ. Devel. Mgr.; Jerry Ranally, Ward 5 Councilman; Betty Nardelli, Sec'y

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

OLD BUSINESS

MINUTES

August 14, 2014

A motion was made by Greg Patt and seconded by Chuck Cox to approve the minutes of August 14, 2014 as written.

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

Motion Carried: APPROVED

NEW BUSINESS

PRANZO 4066 Erie St.
(Alfio Pinzone)

**CUP -
Sls/SVC alcohol for
On-premises consump.
C.O. 1141.03(c)(17)
D-B dist**

Alfio Pinzone represented this conditional use permit application. Mr. Pinzone said that there is a patio blocked in on three sides in the parking lot at the rear of the building. The dumpster is also located at the rear of the building. There will be service on the patio. He also wants to continue to have background music that he has had for the past five years on the patio.

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The conditions that were agreed on are hours of operation to be 10:30 a.m. until 2:00 a.m. seven days a week. Outside music at a conversational or background level is permitted.

A motion was made by Ken Kary and seconded by Greg Patt to approve the conditional use permit at 4066 Erie St. with the hours of operation of 10:30 a.m. until 2:00 a.m. seven days a week and outside music at a conversational or background level.

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

Motion Carried: APPROVED

FINE ARTS ASSOCIATION 38660 Mentor Ave. **Landscape plan**
(ThenDesign)

Jodie McQue and Matt McQue of McQue Designs of 4050 Erie St. represented this landscape plan. Jodie said that shade trees will be planted along the perimeter of the property. Matt said it will have a campus view look. There will be Juniper, buttonbushes, dogwood bushes and evergreens planted along Mentor Ave. In the detention basin wild dogwood bushes and wild flowers will be planted. Greg Patt was concerned about the basin in the front. He wished he had more of a view of what it will look like.

The islands in the parking lot will also be landscaped.

Being no more discussion Chairman Merhar called for a motion.

A motion was made by Greg Patt and seconded by Chuck Cox to accept the landscape plan as submitted.

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

Motion Carried: APPROVED

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LAKE EDGE SUBDIVISION (Steven Gesis)	P.P.#27B-53D-010280 Lake Edge Trail	Subdiv. - Final plat/improve. plans 9 S/F lots RMF-LR dist.
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There was no representative present this evening. Jim Sayles, City Engineer, said that he is still reviewing the plans. Bob Fiala said that the EAS was rejected at Council due to a tie vote. Mr. Fiala said that one of the councilmen had an issue with the project. The EAS would have passed if he and one other councilman were able to vote which they couldn't because they weren't present for the public hearing. Mr. Fiala said the objection was storm water management in response to Greg Patt's question.

Mr. Sayles said that the S. Beachview residents were concerned about flooding. Mr. Sayles said that the entire fill placed there is above the 10 year elevation so it will have no impact on the flooding there. The developer is also building retention.

Being no more discussion Chairman Merhar called for a vote.

A motion was made by Greg Patt and seconded by Ken Kary to table the final plans and improvement plans pending the City Engineers review.

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

Motion Carried: TABLED

PLANNING COMMISSION

- Text Amendment - Auction**
- C.O. 1103.03 - **defin.- "auction"**
Add (8) "public & internet"
 - C.O. 1145.03(b) - **use**
(b) Add (6) "Auction"
as "C" in all 3 ind. dist
 - C.O. 1155.06(4) - Sched of Regs.
(4) Add "Auction" as
(a) (a) in Area/width
Add C.O. 1155.07(f)

DISCUSSION

MARK SIMS

38016 Euclid Ave.

Retail sls of cars -
Cash For Car Store
G-B dist

Mark Sims represented this discussion for the Cash For Car Store at 38016 Euclid Ave. Mr. Sims said he won't keep an inventory. The car is driven in, a check written to the owner and then it is shipped immediately to an auction directly. Chairman Merhar said that this opens the door to a used car lot of which a used car lot requires a new car license plus a three acre lot. Mr. Sims said that they are with 20 other dealers throughout the country. It will soon be 200 dealers in two years. Mr. Sims said that he has an office staff to help operate with other dealers. It is not like a used car lot because they don't keep the inventory.

Mr. Sims said that the car never goes for sale in Willoughby in response to Chairman Merhar's question. Chairman Merhar said that without a new car license there can't be used car sales. Chairman Merhar said that they don't want to open the door for a used car lot. Mr. Sims said that the process is more administrative. He said that he needs a dealer's license so he doesn't have to pay sales tax on the cars. Mr. Sims said he can keep the cars inside the building.

Chuck Cox said that it sounds like it's a possible thing the City can do. Mr. Cox said that if the Law Department can write an ordinance, that the car comes in and goes out in X amount of time, never goes up for sale from that particular location than he doesn't have a problem with it. Mr. Cox said that it isn't any different than taking a car in as a trade in and wholesaling it out.

Ken Kary agrees with Chuck Cox. Mr. Kary said that he is against a used car lot in Willoughby. He likes Mr. Sims process better than trying to sell a car himself. He thinks the process is a temporary transition.

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Mr. Sims is sure that 100% of the cars are sold to an auction in response to Greg Patt's question. Mr. Patt said than he has no problem with it.

Chuck Cox said that there would have to be an ordinance for this. It can't be done under the current ordinance. Then it will have to go before Council for a final decision.

Mr. Wiles said that first you need a definition and then you need limitations on what you can do and what you can't do.

Mr. Sims said that Car Max has this operation. They operate their own auction out of their facility. They auction retail cars.

Chairman Merhar said that if Mr. Sims is going to approach this he needs to be approved through Council and an ordinance. Mr. Wiles said he needs a complete description of what is going to happen.

No action was taken on this discussion.

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

Gerald Merhar, Chairman

Betty A. Nardelli, Secretary