

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
REGULAR MEETING  
APRIL 11, 2013  
MINUTES**

**PRESENT:** B. Fiala; C. Cox; G. Merhar, Vice Chairman

**ABSENT:** Ken Kary; B. Irvine, Chairman

**OTHERS:** Mike Germano, Asst Law Director; Janice Lipscomb, Econ. Dev. Mgr.; Richard Smith, Chief Bldg. & Zoning Inspector; Chris Woodin, Ward 1 Councilman; Betty A. Nardelli, Secretary

**Vice Chairman Jerry Merhar called the regular meeting to order at 7:45 p.m.**

**MINUTES**

**March 14, 2013**

**The minutes of March 14, 2013 were approved as written.**

**OLD BUSINESS**

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; J. Merhar

Absent: K. Kary B. Irvine

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

**ON THE GREENS** P.P.#27B-52-1 aka

**Rezoning -**

**PROPERTY CO.** 38890 Hodgson Rd.

**19.5733 acres**

(Anthony Slyman)

G-B to **RMF-LR**

Anthony Slyman represented this rezoning application.

Vice Chairman Merhar said his major concern is the way the development backs up to Lost Nation Rd. Mr. Slyman said he has a plan that pertains to the frontage on Lost Nation Rd. as well as Hodgson Rd. Mr. Slyman said that the houses will be further away from Lost Nation Rd. and the lots will be deeper than the rest of the development and they will have a buffer and fencing. The 4' high landscaped buffer will be controlled by the home owners association and be maintained by one company. Mr. Slyman said that you will only see the roofs of the homes from Lost Nation Rd.

Vice Chairman Merhar questioned the safety zone. Mr. Slyman said the safety zone is not anything that will stop commercial property. Mr. Slyman said he discussed it when he met with City

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administrators. Mr. Slyman said that as long as he meets the Building Department and City requirements he is okay. Mr. Slyman said he has been working with the City the past decade.

Mr. Slyman said that there is no attraction for commercial use for this property. Mr. Slyman said that he wants to get the property rezoned first. He would like to start with Parcel "B" first which is already zoned RMF-LR. Mr. Slyman said that he feels good about this use for the property. The 20 acres has been sitting since the 1960's.

Bob Fiala said he struggles with this proposal because this use is not consistent with the master plan. Across the street is light industrial and the airport. Nearby is the golf course. Residential is an incompatible use. Mr. Slyman said there are houses all the way down Lost Nation Rd. Mr. Fiala said these houses were built long before Lost Nation Rd. expanded to a 4-lane highway. Mr. Fiala asked Mr. Slyman if he explored other options like light industrial, flex space and office space in lieu of residential. Mr. Slyman said he did and there is no call for these uses.

Mr. Cox said he is more concerned with the master plan than building more homes near the airport area then he would be about the location in respect to Lost Nation Rd. Mr. Cox said he is more concerned about being next to golfers and here you are closer to golfers. Mr. Slyman said he built 98 homes on Hodgson Rd. near the golf course and he lives on N. Bay Dr. near the golf course.

Mr. Slyman said he is not building the homes. He is a developer and not a builder. He has talked to several builders but he hasn't decided on any yet.

Mr. Fiala told Mr. Slyman that there are three members present this evening and that two members are absent. Mr. Fiala said that to him rezoning 20 acres is a big deal. Mr. Fiala asked Mr. Slyman if he would rather wait until there are five members present. Mr. Slyman said yes. He waited this long and waiting longer won't matter.

A motion was made by Chuck Cox and seconded by Bob Fiala to table this rezoning application until the May 9, 2013 meeting.

ROLL CALL:       Yeas:        B. Fiala; C. Cox; J. Merhar  
                  Absent:     K. Kary B. Irvine

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**Motion Carried:           TABLED**

<b>KELLY/ERIC HENDRIX</b> (ARBOR RIDGE)	S/L 7 1481 Westover Dr.	<b>Grading plan - Chg to Sub-1A) Landscape mound at rear of prop. RMF-LR / C/O dist.</b>
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Kelly Hendrix of 1481 Westover Dr. and Henry Milliman of 1477 Westover Dr. represented this proposal. Mr. Milliman said that there is a mound centered in their back yard and they propose to move it to the rear of the property which includes landscaping. Mr. Milliman said that a month ago they were asked to provide water run-off calculations of the difference in the current drainage and drainage of a future plan. Mr. Milliman said that by going with a new plan they have 60% in the reduction in drainage area. Even with the flow increase the run-off increased also because of a smaller area. They went from 1/12 to 1/6.

Ms. Hendrix said the mound will be landscaped using blue spruce and Birch River Clump.

Bob Fiala said he assumes that there is no change in the run-off to the neighbor's property. Mr. Fiala said that Jim Sayles needs to review the run-off calculations before Planning Commission acts on this proposal.

A motion was made by Bob Fiala and seconded by Chuck Cox to table this grading plan pending Jim Sayles review of the run-off calculations.

ROLL CALL:           Yeas:           B. Fiala; C. Cox; J. Merhar  
                          Absent:       K. Kary B. Irvine

**Motion Carried:           TABLED**

<b>JESSICA/HENRY MILLIMAN</b> (ARBOR RIDGE)	S/L 6 1481 Westover Dr.	<b>Grading plan - Chg to Sub-1A) Landscape mound at rear of prop. RMF-LR / C/O dist.</b>
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Henry Milliman and Kelly Hendrix represented this grading plan which will be tabled pending runoff calculations.

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A motion was made by Bob Fiala and seconded by Chuck Cox to table this grading plan pending Jim Sayles review of the run-off calculations.

ROLL CALL:       Yeas:        B. Fiala; C. Cox; J. Merhar  
                  Absent:     K. Kary B. Irvine

**Motion Carried:        TABLED**

**NEW BUSINESS**

<b>ANTHONY'S DISCOUNT</b>	<b>1171 Lost Nation Rd.</b>	<b>CUP - amend</b>
<b>AUTO REPAIR</b>		<b>add cond. #5</b>
(David Evangelista)		<b>allow O/S display</b>
		L-I Dist.

David Evangelista represented this conditional use permit application. Mr. Evangelista wanted to have open doors as part of his request for display of tires. Bob Fiala said he has no problem with the display of tires outside but if the doors are allowed to be open when it is noisy in the building Mr. Evangelista will have to be considerate of his neighbors. Mike Germano said that the previous permit stated doors should be closed. Open doors are not before us. It was not included on Mr. Evangelista's application to amend it. Vice Chairman Merhar told Mr. Evangelista he will have to file another application and pay another fee for the open doors.

Richard Smith said that he told Mr. Evangelista that he has to make application for a sign permit for the signage on the tire racks on display outside.

Mr. Evangelista said he wants to display both used and new tires in response to Vice Chairman's question.

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the conditional use permit for new and used tires.

ROLL CALL:       Yeas:        B. Fiala; C. Cox; J. Merhar  
                  Absent:     K. Kary B. Irvine

**Motion Carried:        APPROVED**

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**APPLEBEE'S NEIGHBORHOOD** 35055 Maplegrove Rd.  
**GRILL & BAR**  
(John Marquart)

**CUP -  
Sls or SVC of  
alcohol. bev. On-site  
consump. w/p/use  
C.O.1141.03(c)(17)  
MS-B dist.**

Pat Eulberg of Apple American Group LLC represented this conditional use permit application.

The conditions agreed upon are:

Hours of operation:

11:00 a.m. thru 12:00 midnight Sunday thru Thursday.

11:00 a.m. thru 1:00 a.m. Friday and Saturday.

Music supplied by a juke box is allowed inside. There will not be live music.

There will not be games, darts and pool tables.

There will not be an outside patio.

A motion was made by Chuck Cox and seconded by Bob Fiala to approve the conditional use permit with the conditions stated this evening.

ROLL CALL: Yeas: B. Fiala; C. Cox; J. Merhar  
Absent: K. Kary B. Irvine

**Motion Carried: APPROVED**

**FRANK & TONY'S** 38107 2<sup>ND</sup> St  
(Angelo Gallo)  
(Rob't Orovets)

**CUP -  
Sls or SVC of  
alcohol. bev. On-site  
consump. w/p/use  
C.O.1141.03(c)(17)  
D-B dist.**

Angelo Gallo owner of the business represented this conditional use permit application for the second floor addition and outside patio.

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The conditions agreed upon are:

1. Hours of operation:  
11:00 a.m. until 2:30 a.m. 7 days a week.
2. Music is permitted outside on the patio with the volume controlled inside the bar. The music shall be turned off at 11:00 p.m.

Vice Chairman Merhar said that he has an issue with the second floor because sound travels. With the building size doubling the noise increases.

Chuck Cox said that we are trying to encourage living in Downtown and we haven't talked about the overall City master plan. Mr. Cox said that we have one goal which is to increase the desirability to live in down town Willoughby.

Janice Lipscomb said that west of Erie St. it is designated residential.

Mr. Gallo said that he has over 20 bars and restaurants listed. He has property in nine cities. Mr. Gallo said that he is trying to bring more action into down town.

Mr. Gallo mentioned Tremont, Ohio City, W. 25<sup>th</sup> and Hudson. Mr. Gallo said two of his employees moved to Tremont and drive back and forth to Frank & Tony's. Bob Fiala asked Mr. Gallo "what if we want to be a Tremont, Chagrin Falls and Hudson". Mr. Gallo said that is what we have now. Mr. Fiala said "no we don't." Mr. Fiala said "don't tell him that the complexion of Tremont matches Willoughby at 2:00 a.m. on a Saturday night."

Mr. Gallo said that his crowd goes to Malarkey's, The 1899 Pub, Ballantine's and The Willoughby Brewery. Mr. Gallo told Mr. Fiala that Willoughby has three large restaurants and asked him if he wants to change the demographics if it is working? Vice Chairman Merhar said that the demographics work now but it is a thin line. It could change.

Bob Fiala said he doesn't want to see a Geneva-On-The-Lake happening in downtown Willoughby. Mr. Fiala said that the Police Department gets calls all summer. It's not just one person calling,

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it is a major issue. Mr. Gallo said "you can close me but you'll still have noise".

Vice Chairman Merhar said he has an issue with the second floor. Sound travels more from the second floor and he isn't just talking about the Bed and Breakfast. This could affect future business in downtown. Mr. Gallo said that the same person complains all the time. He said he understands and sympathizes with her but it is an entertainment area.

Vice Chairman Merhar read a memo from Mayor Anderson that administration is not in favor of the conditional use permit or proposal.

Vice Chairman Merhar read a memo from Police Chief Beckwith regarding the patio. The memo states that the patio should have a sufficient height to prevent anyone from accidentally falling. Noise will reverberate from surrounding buildings and broadcast to residential area to the west from the elevated outdoor patio. He had no concerns for the indoor addition.

Janice Lipscomb cited the comments from the staff report about Frank & Tony's.

Mr. Gallo requested to be tabled and wait for the meeting when the entire Commission will be present.

A motion was made by Chuck Cox and seconded by Bob Fiala to table this conditional use permit pending when a full Commission will be present.

ROLL CALL:       Yeas:        B. Fiala; C. Cox; J. Merhar  
                  Absent:     K. Kary B. Irvine

**Motion Carried:        TABLED**

<b>FRANK &amp; TONY'S</b>	38107 2 <sup>ND</sup> St	<b>Site/elev. Plans</b>
(Angelo Gallo)		<b>Add-n - 2<sup>nd</sup> floor</b>
(Rob't Orovets)		party room <b>w/patio</b>
		D-B dist.

A motion was made by Bob Fiala and seconded by Chuck Cox to table this site plan and elevations plan pending when a full Commission is present.

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ROLL CALL: Yeas: B. Fiala; C. Cox; J. Merhar  
Absent: K. Kary B. Irvine

**Motion Carried: TABLED**

**DISCUSSION**

**JANICE LIPSCOMB**

(Econ. Devel. Mgr.)

**C-M Classif. -  
Eliminate**

Janice Lipscomb represented this discussion on the Commercial Manufacturing classification in areas that it isn't practical to be. Commercial Manufacturing is in only a few places in the City. Ms. Lipscomb said that the uses and setbacks are the same as in the Limited Industrial area except for a few items. **Item #3 - Outdoor Activities** - overnight storage of fleet vehicles used in the operation of a principle use is in Limited Industrial as an accessory use and in Commercial Manufacturing as a conditional use. Contractors are not allowed in Commercial Manufacturing but allowed in Limited Industrial as a conditional use.

Ms. Lipscomb said that Commercial Manufacturing zoning came about to serve as a bridge between residential and limited industrial uses.

Richard Smith said that what may have initialized this re-classification is that someone wanted to have a contractors facility on Ben Hur but it is zoned Commercial Manufacturing and contractors are allowed in General Industrial and Limited Industrial districts.

**The areas where it is Commercial Manufacturing classification are:**

Lost Nation - Brokers Lounge (N/C) - allowed in Limited Industrial.

Mentor Ave. - car dealers - News Herald - General Business across the street

Euclid Ave. - Willow Hill - surrounded by Multi-Family and L-I  
- DeMilta property - The owner would like to build condos there.

Vine St. - Residential and retail, - Cam Auto, Ackerman Strge on Palmetto - Bull Dog Battery



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Ben Hur - Abuts G-I classification

N. Industrial Pkwy - Service garage - machine shops

Kirtland Rd. / Harmon - abuts D-B and G-B

Elm St. - Contractors and MFR - abuts G-I

Depot - Commonwealth Lumber (N/C), auto repair

Vice Chairman Merhar suggested re-classifying the different areas individually because each area abuts different zoning districts.

No action was taken on this discussion.

There being no further business the regular meeting closed at 9:10 p.m.

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Gerald Merhar, Vice Chairman

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Betty A. Nardelli, Secretary