

**PLANNING COMMISSION
CITY OF WILLOUGHBY
REGULAR MEETING
APRIL 12, 2012
MINUTES**

PRESENT: B. Fiala; C. Cox; B. Irvine, Chairman
ABSENT: G. Merhar; Ken Kary
OTHERS: John Wiles, Law Director; Jim Sayles, City Engr.; J. Lipscomb, Econ. Devel. Mgr.; Betty A. Nardelli, Secretary

Chairman Robert Irvine called the regular meeting to order at 7:12 p.m.

MINUTES **March 22, 2012**

The minutes of March 22, 2012 were approved as written.

MINUTES **April 3, 2012**

The minutes of special meeting of April 3, 2012 were approved as written.

OLD BUSINESS

WESTWOOD MEADOWS (Dave Novak) (Bo Knez)	P.P.27B-52-1 Hodgson Rd.	Rezone 19.5733 acres G-B to RMF-LR S/F using R-50 reg. G-B
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This rezoning application remains tabled with no action taken. With the extension of the time limit this application expires June 8, 2012.

RENOVA GROUNDWORKS (C.J. Goryance)	1796 Jos. Lloyd Pkwy	CUP C.O. 1145.03(c)(2) Construc. Trade /contractor fclty L-I dist.
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This conditional use permit application remains tabled with no action taken. With the extension of the time limit this application expires June 8, 2012.

1899 PUB (Bob Orovets) (Sean Heinman)	38228 Glenn Ave.	CUP - Expand. On exist CUP 2nd fl deck w/stairs Sls/svc alcohol C.O. 1141.03(c)(17) D-B dist.
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There was not a voting quorum present this evening so this

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conditional use permit application remains tabled with no action taken.

1899 TAVERN	38228 Glenn Ave.	Site/elev plans
		2 nd Fl deck w/stairs
		Rear of 1899 Pub
		D-B dist.

There was not a voting quorum present this evening so this site and elevations plan remains tabled with no action taken.

NEW BUSINESS

TEXAS ROADHOUSE	6095 Commerce Cir.	CUP - Addt'n/ Expansion for sls &
(Dale Ryan)		SVC alcohol
		C.O. 1141.03(c)(17)
		MS-B dist

Jim Howenstein represented this conditional use permit application. Mr. Howenstein said the addition won't take up any more parking in response to Mr. Cox's question. It is an odd shaped lot of which they are maxed out on parking. They do cross parking with Cracker Barrel. Jim Sayles advised Planning Commission to reference the 2004 minutes of the original conditional use permit regarding parking.

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the conditional use permit application as submitted with the stipulation that the applicant check with Richard Smith if a crossover easement exists.

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

Motion **CARRIED APPROVED**

VICTORY AUTO EXPRESS, INC.	4772 E. 355 TH St.	CUP - office/ Whole Sale Vehicles On-line
(Victor Gorchakov)		C.O. 1145.03(30)
		L-I dist.

Victor Gorchakov and Andy Godos represented this conditional use permit application. Mr. Godos said that the warehouse has 4,500 sq. ft. They pick up the vehicles at the auction and bring them back to this lot, store them in the warehouse and publish the vehicles on-line. They are not setup to show vehicles for retail. They have a lot in Newberry for selling vehicles.

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Law Director Wiles said he is not sure this is a permitted use in this district. Janice Lipscomb agrees. Bob Fiala asked what the difference was if you sell on-line or face to face. You're still selling something from there. It is still a retail operation. Chairman Irvine advised Mr. Godos that he had the wrong use for his application. He should request warehouse space to store products. It doesn't matter what the product is.

Chairman Irvine advised Mr. Godos that per the Code he can't sell vehicles from this zone; wholesale or retail.

Mr. Godos said that if they warehouse the cars on this lot and go to the Newberry lot to close the deal would that be acceptable? Chairman Irvine said it doesn't make sense to have a warehouse in Willoughby when selling vehicles in Newberry. Mr. Godos said because Willoughby is closer and it saves on gas. Chairman Irvine said that this is sliding into a sales operation rather just operating a warehouse and in his opinion it is a retail sales operation. Auto sales are not a permitted use in the Limited Industrial zoned district. Chairman Irvine said they will have to vote the application down per the Code. Mr. Godos said there are no show rooms and no test driving. Law Director Wiles said on-line auto sales doesn't fit anything he sees unless it is an office with a telephone.

Bob Fiala suggested that this application be tabled and the application is amended for use as storage of vehicles.

Chairman Irvine advised Mr. Godos that he has to be honest what the real operation is and to describe what they are doing. He advised Mr. Godos to meet with Richard Smith.

A motion was made by Chuck Cox and seconded by Bob Fiala to table this conditional use permit.

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

Motion **CARRIED** **TABLED**

BURGER KING

4150 SR 306

CUP - D/T
chg of owner
MS-B dist.

David Deporo represented this conditional use permit application. Mr. Fiala advised Mr. Deporo to find out who owns the Brown Derby property to see if an easement is in effect.

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The existing conditional use permit of 1992 was reviewed for hours of operation. Mr. Deporo said they currently close at midnight. The 3:00 a.m. closing hour on the existing permit would be a maximum time they would be open.

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the conditional use permit application using the conditions of the previous conditional use permit of March 12, 1992.

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

Motion **CARRIED** **APPROVED**

THE BOULEVARD 38464 Lakeshore Blvd. **CUP - chg of
owner - Alcohol
SLS/SVC/consump.**
(Eric Brandon) C.O. 1141.03(c)(17)
R-B dist.

There was no representative present this evening.

A motion was made by Bob Fiala and seconded by Chuck Cox to table this conditional use permit application.

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

Motion **CARRIED** **TABLED**

PREMIER CAPT'L LLC 4845 E. 355TH St. **CUP - Landscape/
Construc./trades/strg**
(Mike Pozzuto) C.O. 1145.03(c)(2) & (3)
L-I dist.

Michael Pozzuto represented this conditional use permit application. Mr. Pozzuto said that all sides of the property are fenced in with an 8' tall chain link fence with barb wire on top. Mr. Pozzuto said you can't see into the yard from the street. The Mont Granite building on the adjoining property also acts as a fence. Mr. Pozzuto said the previous owner installed the fencing. Mr. Sayles said the 8' height may have been permitted at that time. Now the code requires a solid wall or fence 10' high. Janice Lipscomb said the 8' high fence is existing nonconforming.

Mr. Pozzuto said he keeps everything inside which includes trucks, trailers, lawnmowers and equipment and doesn't store outside unless he is preparing for a job the next day. He is temporarily storing

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mulch and stone outside which will be covered. Mr. Pozzuto said he covers the catch basins with tarp so no mulch or soil goes into the drains.

Chairman Irvine advised Mr. Pozzuto to check with the Building Department about the fence requirement.

The conditions agreed upon are:

1. Hours of operation:
 24 hours a day seven days a week.
2. All equipment shall be stored inside.
3. Temporary outside storage of materials is permitted and shall be properly covered.

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

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

Motion **CARRIED** **APPROVED**

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

Robert Irvine, Chairman

Betty A. Nardelli, Secretary