

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
MARCH 24, 2011  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Hart; B. Fiala; C. Cox, G. Merhar; B. Irvine,  
Chairman  
**ABSENT:** No One  
**OTHERS:** Mike Lucas, Ass't. Law Director; Janice Lipscomb, Econ.  
Devel. Mgr.; Jim Sayles, City Engr.; Richard Smith, Chief  
Bdg. & Zoning Inspec.; Police Chief Conrad Straub; Fire  
Chief Alan Zwegat; Fire Marshall Mike Kocab; Greg Patt,  
Sign Review Board; Betty A. Nardelli, Secretary

Chairman Robert Irvine called the regular meeting to order at 7:10 p.m.

**OLD BUSINESS**

**MINUTES**

**March 10, 2011**

The minutes of March 10, 2011 were approved as written.

A motion was made by Jerry Merhar and seconded by Rick Hart to remove all tabled items from the table for discussion.

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** APPROVED TO UNTABLE ALL TABLED ITEMS

<b>EDISON ELEM. SCHOOL</b> (John Urbanick)	5288 Karen Isle Dr.	<b>CUP - pub. School</b> bdg addt'n/ addt'l pkg C.O. 1131.03(c) (2) R-100 dist.
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John Urbanik, Architect of TDA, and Ryan Schmidt, project manager, represented this conditional use permit application. The proposal is to add 17,500 sq. ft. to the rear to the existing school building for ten additional classrooms near where the playground is. A connector hallway will connect the existing building with the addition. The playground will be moved back on to the lawn behind the building. The mobile classroom will remain.

Mr. Urbanik said that there will be a storm water retention facility on the north side where the backstop is located which will

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be removed. There will be no additional hard surface for parking. Some of the paved area not used for parking currently will be re-stripped and used for parking.

A motion was made by Rick Hart and seconded by Jerry Merhar to Approve the conditional use permit application.

ROLL CALL:       Yeas:       R. Hart; G. Merhar; C. Cox; B. Irvine  
                  Abstain:   B. Fiala  
                  Nays:       None

Motion **CARRIED**           **APPROVED**

<b>EDISON ELEM. SCHOOL</b> (John Urbanick)	5288 Karen Isle Dr.	<b>Site/elev. plans</b> addt'n exist bdg Addtl pkg R-100 dist.
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John Urbanik, Architect of TDA, and Ryan Schmidt, project manager, represented this site plan and elevations plan for a 17,500 sq. ft. addition to the rear of the existing school building.

Mr. Schmidt said that the brick will match the existing brick. The windows consist of aluminum frames.

A motion was made by Jerry Merhar and seconded by Rick Hart to Approve the site plan and elevations plan..

ROLL CALL:       Yeas:       R. Hart; G. Merhar; C. Cox; B. Irvine  
                  Abstain:   B. Fiala  
                  Nays:       None

Motion **CARRIED**           **APPROVED**

<b>SKKY VIEW HALL</b> (Ryan Neubert)	4077 Erie St.	<b>CUP - Alcohol</b> Sls/svc for on-premises consump C.O.1141.03(c)(17) D-B dist.
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Ryan Neubert, owner, and Joseph Myers, Architect, represented this conditional use permit application. Mr. Myers said that there will be 487 seats which is the facility capacity. This doesn't include the staff or performers. Mr. Myers said that at the Ingress Egress meeting it was suggested that they increase the door opening to double doors which they can do. Mr. Myers said that they meet the code now for what's existing but they'll be above code when they finish with the design. The building will be sprinkled.

Chairman Irvine said that there are twelve provisions in the Code for approving a conditional use permit which they will go through one by one. Chairman Irvine said that Planning Commission hasn't

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considered a project in this scope and significance since the Willoughby Brewing Company.

The twelve provisions are under C.O. 1155.02(a) through (l):

**(a) Is this project harmonious with what exists in the downtown district now?**

Mr. Myers said that there are twelve bars/restaurants in the downtown area now.

**(b) If the establishment will be detrimental or endanger the public health, safety or general welfare.**

Police Chief Conrad Straub spoke on behalf of this provision. Chief Straub said he would wave a yellow flag but being as the Police Department is not at full strength because of retirement and the possibility of the elimination of the 4<sup>th</sup> platoon he said he'll wave the red flag. The 4<sup>th</sup> platoon's main assignment is to secure the downtown area in the summer. The downtown was built in the 1900's and isn't designed for what we're doing now. Adding 487 people to the downtown area is asking for trouble. It is a drain on the safety forces and they are not prepared to handle that at this time. Chief Straub said that he has never opposed anything before and this is his first time at a Planning Commission meeting. Chief Straub said that he is opposed to this for safety reasons and he recommends Planning Commission not to consider this.

Fire Chief Alan Zwegas said that the downtown area is Willoughby's identity. Some of the downtown's buildings are 100 years old and it concerns him as a safety stand point because the buildings are close together. A fire in one building would spread to the next building and so on. Chief Zwegas said that he never opposed anything before but requests Planning Commission to look cautiously at this proposal.

Fire Marshall Mike Kocab said that the single front and rear doors can't handle a crowd. Fire Marshall Kocab said that the Code says that you have to be able to exit 50% of the people out the main entrance.

Chairman Irvine said that there is a safety force concern about this project.

**(c) The conditional use permit is to be harmonious and not change the character of the same area.** Mr. Myers said that the Design Review Board is fine with the outward appearance of the establishment. The elevation will not change.

Bob Fiala said that you will be able to see the two rooftop HVACs from Erie St. The parapet will have to be built significantly to screen them.

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Mr. Fiala said that the Willoughby Brewing Company is the closest in size to this facility with 385 seats. Mr. Fiala said that Willoughby Brewing company is a restaurant first. Skky High View in his opinion is a bar first. There is a substantial difference between 385 and 487 occupants.

**(d) Hours of operation similar to what permitted in the district.**

Mr. Neubert said his hours of operation are:

10:00 a.m. until 9:00 p.m. Monday and Tuesday.

10:00 a.m. until 10:00 p.m. Wednesday

10:00 a.m. until 4:00 a.m. Thursday, Friday and Saturday.

10:00 a.m. until 2:30 a.m. Sunday.

**(e) A conditional use permit will not be hazardous or disturbing to adjoining property or to impair property values.**

Chairman Irvine said that based on the size of the kitchen it doesn't look like a big restaurant.

**(f) The establishment shall not impede the development of surrounding property.**

Bob Fiala said that the establishment will affect the downtown to a point that he doesn't feel comfortable with it.

**(g) Adequate utilities are provided for.**

Jim Sayles said that said there is no issue on this in response to Chairman Irvine's question. Oil and grease are the biggest problem in the downtown area.

**(i) Adequate measures taken for ingress egress to minimize traffic congestion.**

Police are understaffed and don't have the resource to handle the addition of this facility.

Police Chief Straub said that no restaurant/bar in downtown is open until 4:00 a.m. in response to Chairman Irvine's question. Chairman Irvine said that this looks like a night club and it will diminish the downtown area. Mr. Neubert said he is applying for a D-5 I alcohol permit. Mr. Neubert said that beverage wise he will have top quality. Food wise he doesn't think he will go as high. Mr. Neubert said that they will check I.D. after 10.00 p.m. They will keep an eye on customers 30 years of age and under.

Mr. Fiala said that the roof top will affect the character of the downtown area. Mr. Neubert said he will close the rooftop earlier. He will have different hours for the rooftop.

**(j) Potential to be surrounded by permitted uses that may be incompatible.**

Rick Hart wanted to know if the D-5 license was driving Mr. Neubert

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to have a bigger restaurant. Mr. Neubert said no that he wants to be the coolest place in the downtown area.

Bob Fiala said that this is a nightclub. When they can't sell food it turns into a bar. Chuck Cox said that the downtown area will be over crowded. It will be uncomfortable for families to utilize the downtown after 10:00 p.m. Jerry Merhar said that he has no objection to 50 seats but he objects to 487 seats. The magnitude of the project will change the entire downtown area.

**(k) Parking shall be in compliance with C.O. 1161.** Chairman Irvine said that Planning Commission may reduce parking requirements per C.O. 1161.05(b)

**(l) Generate minimal traffic in residential area.** This condition doesn't apply.

Chairman Irvine said that Planning Commission has to consider the twelve point criteria in considering the issuance of a conditional use permit. Five out of the twelve points don't appear to be a problem. Seven points are questionable and significant. The most serious is the safety forces. They say they can't handle it. The other points are if it is harmonious with surrounding area. If it will diminish the surrounding property value. It will.

The other conditions Mr. Neubert stated are:

2. Out door speakers piping music to the penthouse until 2:30 a.m.
3. Live music inside.
4. No game machines.
5. The rooftop will be empty by 2:00 a.m.
6. The dumpster will be screened.

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

ROLL CALL:       Yeas:       None  
                  Nays:       R. Hart; B. Fiala; G. Merhar; C. Cox;  
                                  B. Irvine

Motion **CARRIED**               **DENIED**

**SKKY VIEW HALL**  
4077 Erie St.  
(Ryan Neubert)  
(Jos. Myers)

Dev/elev. plans  
**Add'n - rear**  
**Roof top bar/deck**  
**Patio** - east side of  
D-B dist.

A motion was made by Bob Fiala and seconded by Rick Hart to approve the site plan, elevations plan and outdoor patio.

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ROLL CALL: Yeas: None  
Nays: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine

Motion **CARRIED** **DENIED**

<b>PLANNING COMMISSION</b>	<b>27B-57-01 thru 04</b>	Lake Front Gateway
	<b>27B-57C-08 thru 10</b>	<b>Rezoning - from</b>
	<b>27B-57C-21 thru 25</b>	<b>(3) R-50 &amp; (14)</b>
	<b>27B-57C-32 thru 40</b>	<b>R-B parcels to</b>
	<b>27B-57C-42 thru 52</b>	<b>Lakefront zoning</b>
	<b>27B-56E-05 thru 10</b>	Remain. <b>G-B parcels</b>
	<b>27B-55E-02 thru 04</b>	<b>To Lakefront zoning</b>
	<b>27B-55E-38 thru 39</b>	<b>PH 4/14/11</b>
	<b>27B-56J-01 thru 03</b>	
	<b>27B-56D-09 thru 13</b>	
	<b>27B-56D-25</b>	
	<b>27B-56C-02 thru 05</b>	
	<b>27B-56C-07</b>	
	<b>27B-56C-11 thru 37</b>	
	<b>27B-56B-01 thru 04</b>	
	<b>27B-56B-16</b>	
	<b>27B-56B-19 thru 20</b>	
	<b>27B-56B-55</b>	
	<b>27B-56B-57</b>	
	<b>27B-56B-59 thru 62</b>	
	<b>27B-56B-99 thru 103</b>	
	<b>27B-57B-70</b>	
	<b>27B-57B-74</b>	
	<b>27B-57B-132 thru 136</b>	

This rezoning application is scheduled for a public hearing 4/14/11.

A motion was made by Jerry Merhar and seconded by Rick Hart to table this rezoning application pending a public hearing April 14, 2011.

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** **TABLED**

**PLANNING COMMISSION**  
(Janice Lipscomb)

**Amend.- add  
Lake Front Gateway code  
To ordinances  
PH 4/14/11**

This text amendment application is scheduled for a public hearing 4/14/11.

A motion was made by Bob Fiala and seconded by Jerry Merhar to table this amendment pending a public hearing April 14, 2011.

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** **TABLED**

**NEW BUSINESS**

**CANDY STRIPES PRESCHOOL** 35535 Euclid Ave.  
(Veronica Price) Unit #10A &  
#10B

**CUP -  
add condition #4**  
O/D play area at  
rear of bldg.  
C.O. 1155.07(k)B  
G-B dist.

There was no representative present this evening. Veronica Price was present at the public hearing portion of tonight's meeting but left earlier this evening.

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

ROLL CALL: Yeas: R. Hart; B. Fiala; G. Merhar; C. Cox;  
B. Irvine  
Nays: None

Motion **CARRIED** **TABLED**

**WILLOUGHBY IRON  
& WASTE**  
3884 Church St.  
(Lee Janik III)

**Dev/elev. plan**  
Cvrd strge bin  
81' X 32'  
C-M dist.

Keith Welch of Willoughby Iron & Waste represented this proposal for an open metal storage bin. A variance was granted at the March 23, 2011 Board of Zoning Appeals to allow a minimum of a 1.7' side yard setback for the bin and to expand on an existing nonconforming property use. The bottom of the bin is concrete and the top is



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Smith said the idea is to rezone all of the Motor Service Business uses to General Business or if adjacent to Retail Business to rezone to Retail Business.

Mike Lucas will draft an amendment draft. Also rezoning will be needed.

No action was taken on this discussion.

There being no further business the regular meeting closed at 9:00 p.m.

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Robert Irvine, Chairman

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Betty A. Nardelli, Secretary