

**PLANNING COMMISSION
CITY OF WILLOUGHBY
SEPTEMBER 22, 2011
REGULAR MEETING
MINUTES**

PRESENT: R. Hart; B. Fiala; C. Cox, G. Merhar, Vice Chairman
ABSENT: B. Irvine, Chairman
OTHERS: John Wiles, Law Director; Jim Sayles, City Engr.; Richard Smith, Chief Bdg. & Zoning Inspec.; Janice Lipscomb, Econ. Devel. Mgr.; Jerry Ranally, Ward 3 Councilman; Robert Carr, Ward 4 Councilman; Betty A. Nardelli, Secretary

Vice Chairman Gerald Merhar called the regular meeting to order at 7:17 p.m.

REGULAR MEETING

MINUTES

September 8, 2011

The minutes of September 8, 2011 were approved as written.

OLD BUSINESS

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

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

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

PLANNING COMMISSION
(Janice Lipscomb)

**Amend.- add
Resid. Infill
In desig. areas
Of downtown
D-B dist.
Amend C.O. 1141.01(f) -
Add language
Amend C.O. 1141.03 -
Add (2) resid, in D-B
Add (b) (footnote)**

PLANNING COMMISSION CONTIN:

Add C.O. 1141.13
(a) Thru (e)

Amend C.O. 1161.04
Add (6) 1 sp per dwell.
for resid. use in D-B

Amend C.O. 1109.04 -
Delete (9) "other features....."
Add (new) (09), (10) & (11)

A public hearing was held earlier this evening. Janice said that C.O. 1109.04(10) came about after it was put in the Lake Front District so Building Design Elements are included in the L-I district. It was decided to have it for all development. It just won't be dumped in with just the D-B district amendment.

This amendment requires five motions.

A motion was made by Bob Fiala and seconded by Rick Hart to approve **C.O. 1141.01(f)**.

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

Motion **CARRIED APPROVED**

A motion was made by Bob Fiala and seconded by Chuck Cox to approve **C.O. 1141.03 adding (2) and (b) "Schedule of permitted Uses"**.

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

Motion **CARRIED APPROVED**

A motion was made by Rick Hart and seconded by Bob Fiala to approve **adding C.O. 1141.13 (a) and (e)**.

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

Motion **CARRIED APPROVED**

A motion was made by Rick Hart and seconded by Bob Fiala to approve **C.O. 1161.04 adding (6) which is 1 parking space per dwelling for residential use in D-B district.**

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

Motion **CARRIED APPROVED**

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A motion was made by Bob Fiala and seconded by Rick Hart to approve **C.O. 1109.04 deleting (9)** language and **adding** a new **(9)**, and **adding (10) and (11)**

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

Motion **CARRIED** **APPROVED**

NEW BUSINESS

PINE RIDGE PLAZA
(Rob't Ranallo)

SOM Center Rd. /
Ridge Rd.

**Text amend. -
C.O.1141.03(c) (17)
Allow SIs or SVC of
Alcohol for on-prem.
Consump. in assoc.
with P/use
as a conditional use
in R-B dist.**

Robert Ranallo represented this text amendment to allow the sales and service of alcohol for on-premises consumption in the Retail Business zoned district. Mr. Ranallo said that Pineridge Plaza (located in Retail Business) has been in existence 27 years. He has a prospective restaurant tenant but they want to sell and serve alcohol.

Chuck Cox said that he thought from the last discussion that we would make it a use in places where the primary business was a restaurant and alcohol was a secondary use but apparently this was not done. Mr. Cox said that he thought that we found a way to define a bar or a place that serves alcohol. John wiles said that we could come up with a formula to use for alcohol in a restaurant. Mr. Cox said that he hopes Council considers this when they adopt the legislation for this text amendment.

A motion was made by Bob Fiala and seconded by Rick Hart to approve C.O. 1141.03(c) (17) but before the public hearing by Council the Law Department shall draft a text amendment to define the difference between bar and restaurant.

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

Motion **CARRIED** **APPROVED**

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JJJ PROPERTIES LLC
(Carmen Carbone)

Pelton Rd -
27B-38-22,
27B-39-25, 26,
29, & 30

Text amend -
For concrete/asphalt
Plant, crushing/recycle,
W/H & retail sls of
Construc. mtls
In G-I dist.

John Allega and Carmen Carbone represented this text amendment.

Bob Fiala said that they had a discussion at Council September 20, 2011. The downside is the impact on the adjoining properties especially the Marous development on Mentor Ave. who are opposed to the project. Mr. Fiala said that Mr. Allega's question was that if they exclude the concrete crushing can they do all the other things they proposed.

Mr. Allega said that since the ordinance excludes crushing and raw materials then he asks that the property be rezoned. The current zoning allows the other items he wants to do. Mr. Allega said that he wants a concrete plant, asphalt plant, stone sales, retail bag sales, yard sales and outdoor storage which falls under General Industry zoning.

Mr. Wiles said that he supplied Planning Commission and Council with a detailed memo with the situation as he viewed it. Mr. Wiles said that if Mr. Allega is going to have a manufacturing cement or asphalt plant the zoning is going to have to be changed from Limited Industry to General Industry because of the definition in the zoning text that it is subject to a conditional use permit.

Vice Chairman Merhar said that Planning Commission didn't have a problem discussing it at the last meeting. Mr. Wiles said that he did not detect any opposition of the manufacturing of cement or asphalt at the Council discussion it was the crushing operation that Council didn't want.

Councilman Ranally expressed concern about the re-development on Mentor Ave. which is the gateway to Willoughby and the impact this proposal will have on it.

Mr. Allega said there will be no odor or noise from the plant in response to Vice Chairman Merhar's questions. The Ordinance doesn't allow that.

Mr. Allega said that under the current zoning code he can put up an asphalt plant or cement plant on that property. Mr. Allega said that what he needs is outside storage of yard sales. He will have to go to General Industry zoning for outside storage of yard sales.

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Mr. Wiles disagreed with that statement. Mr. Wiles told Mr. Allega to read the definition of light and heavy manufacturing.

Mr. Allega said that the current zoning is Limited Industry and he is trying to rezone the property to General Industry so he can have out side sales. If the City doesn't want the crusher he'll leave it out. Mr. Allega said now the City is saying they don't want anything there. Mr. Allega said that eventually the City has to have something on this property. Mr. Allega wanted to know why he has to rezone the property when the current zoning allows Limited manufacturing of products. Mr. Wiles responded by telling Mr. Allega that he is not reading the definition set forward in the zoning code. Mr. Wiles said that in his opinion if they are using the plants, zoning has to be changed. Vice Chairman Merhar then asked if that was under the category of manufacturing. Mr. Wiles said yes. Mr. Allega asked if the City has a light industrial area for manufacturing. Mr. Wiles said no. Vice Chairman Merhar gave Mr. Allega a copy of the memo that Mr. Wiles distributed to Council and Planning Commission.

Mr. Allega said he will return after he reads the memo and decide if he will go forward with the public hearing for rezoning.

A motion was made by Rick Hart and seconded by Bob Fiala to table this text amendment.

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

Motion **CARRIED** **TABLED**

DISCUSSION

WESTWOOD MEADOWS
(Dave Novak)

P.P.27B-52-1
Hodgson Rd.

Rezone - discuss.
19.5733 acres
G-B to RMF-LR
S/F using R-50 reg.
G-B

Dave Novak of Barrington Consulting Group and Bo Knez of Knez Construction represented this discussion to rezone Parcel C from General Business to Residential Multi-Family Low-Rise for 167 2-story single family homes on fee simple lots on a private road. Mr. Novak said that this development will be consistent with the adjoining single family development. Vice Chairman Merhar said that the Master Plan calls for business/retail for this parcel.

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Janice Lipscomb said that with all the homes being built in that area you would think there would be a need for retail. Apparently, Janice said, it's not happening.

Mr. Novak said he has been associated with this property since 2004 and the area does not support retail.

Rick Hart was concerned about the Airport clear zone. Mr. Wiles said that the runway has been shortened because of the clear zone. Ms. Lipscomb said the clear zone is only a problem if the City owns the Airport and the City is not looking for any more grants for the property. Ms. Lipscomb said that the owners of the property have the right to develop it.

Bob Fiala said he has a problem with 26 homes of the proposed development facing Lost Nation Rd. Mr. Novak said that Block "B" and Block "C" that separates the homes from Lost Nation Rd. will screen the homes from Lost Nation Rd. Mounding is planned for the two blocks. Mr. Fiala said that not having commercial or business on Lost Nation Rd. is a mistake and he isn't comfortable with putting housing on Lost Nation Rd. There is too much density on the north end. This corridor is for Limited Industry, General Business and retail. Vice Chairman Merhar said he has a problem with the proposal too. It is not good planning for the homes to face Lost Nation Rd. Retail is what the property is zoned and it should remain retail. Chuck Cox said he struggles with houses on Lost Nation Rd.

Richard Smith said that on Tamarac Blvd. where homes face the Bouelvard, there are different types and heights of fencing besides the many sheds. This could happen on Lost Nation Rd.

Mr. Novak said that people would own the property to the right-of-way of the road. The Home Owners Association would be able to restrict the use of the property.

Bo Knez suggested that he provide a drawing showing houses backing up to a road. He said he put in a development that backs up to a 4-lane highway which is esthetically pleasing. Mr. Knez suggested a development on Lakeshore Blvd. with this type of development that Planning Commission could look at.

Vice Chairman Merhar said that the Board is not comfortable with this proposal. He suggest that they return in two weeks for more discussion.

No Action was taken on this discussion.

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

Gerald Merhar, Vice Chairman

Betty A. Nardelli, Secretary