

**PLANNING COMMISSION
CITY OF WILLOUGHBY
FEBRUARY 11, 2010
REGULAR MEETING
MINUTES**

PRESENT: B. Fiala; C. Cox, G. Merhar, Vice Chairman
ABSENT: R. Hart; B. Irvine, Chairman
OTHERS: Mike Lucas, Ass't. Law Director; Jim Sayles, City Engr.;
Janice Lipscomb, Econ. Devel. Mgr.; Richard Smith, Chief
Bldg & Zoning Inspec., Betty A. Nardelli, Secretary

Vice Chairman Gerald Merhar called the regular meeting to order at 7:10 p.m.

MINUTES

January 28, 2010

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the minutes of January 28, 2010 as written.

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

Motion **CARRIED** **APPROVED**

SCHEDULE PH HEARING

| | | |
|---------------------------|------------------------|----------------------|
| FIRENZA STONE INC. | P.P.#27B-34A-3 | Rezone - |
| (Mike Fimiani) | P.P.#27B-34A-4 | G-B to C-M |
| | P.P.#27B-34A-25 | W/H, granite fabric. |
| | (former Krihwan prop.) | 1.46 acres total |
| | 37033 Vine St.) | |

There was no representative present this evening.

A motion was made by Chuck Cox and seconded by Bob Fiala to schedule a public hearing for rezoning for March 11, 2010.

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

Motion **CARRIED** **APPROVED FOR A PH 3/11/10**

A motion was made by Bob Fiala and seconded by Chuck Cox to table this rezoning application pending a public hearing on March 11, 2010

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

Motion **CARRIED** **TABLED**

OLD BUSINESS

PLANNING COMMISSION
(Mike Lucas)

**Text amend. -
Asstd lvg fclt'y
as CU In other districts
Besides D-B dist.**

A draft of the changes discussed at prior meetings was received from the Law Department and distributed to the Planning Commission. Mike Lucas, Assistant Law Director, explained the draft and changes. **The language shown as struck out was removed from the code in the following:**

Under **C.O. 1135.03(c) (6) "~~Homes for the Aged and Homes for Children~~"** this entire paragraph which was by CUP in the MF districts was removed.

Under **C.O. 1135.03(c) (6) "Nursing Home",** ~~Intermediate and Long term Care Facility~~ (formally # (7) was moved up in the chart to **#6.**

Under **C.O. 1155.04(8) "Group home for handicapped"** ~~or elderly persons.~~

Under **C.O. 1155.04(9) "~~Homes for the aged, homes for children~~"** the entire line was removed.

Under **C.O. 1155.04(9) "Hospitals"** was moved to (9). (formally # (10) .

Under **C.O. 1155.04(10) "Nursing Home",** moved up to # (10) (formally # (11) ~~"intermediate and long term care facility"~~

Under **C.O. 1155.07 (r) "Group Home for Handicapped** ~~or Elderly Persons.~~ Group Homes for handicapped ~~and/or elderly persons~~ may be permitted in any R-MF Multi-Family Residence district.....
(this paragraph, formally (q) was moved to (r).

- (1) to (5) There were no changes to these paragraphs.
- (6) Residents shall ~~either~~ be handicapped as defined by the

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Planning and Zoning code ~~or be 62 years of age or older.~~

Under **C.O. 1155.07(s) "Hospitals, ~~Homes for the Aged, Homes for Children, and Nursing Homes~~ and ~~Intermediate and long term care facilities.~~".....** This paragraph, formally (r) was moved to (s).

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the text change with recommendation to Council for their approval.

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

Motion **CARRIED** **APPROVED**

| | | |
|--|-------------------|---|
| 38882 MENTOR AVE. PROPERTIES LLC (Jill Dzina) | 38882 Mentor Ave. | Rezoning - portion 27A-32-19 from R-60 to G-B 0.5074 acres |
|--|-------------------|---|

Jill Dzina of Vintage Group represented this rezoning application. This rezoning is to clean up the zoning lines so the property is in one zoning classification.

Jim Sayles said that the Legal description needs to be corrected before Council's approval.

A motion was made by Chuck Cox and seconded by Bob Fiala to approve the rezoning of a portion of 27A-32-19 Mentor Ave. from R-60 to G-B recommending that Council approve the rezoning.

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

Motion **CARRIED** **APPROVED**

| | | |
|--|---|---|
| BIG OATS OIL/GAS CO. (Otar Magnusson) | 38700 Pelton Rd. P.P.#27B-39A-8, P.P.#27B-39A-9, P.P.#27B-39A-10 | Rezoning From C-M to G-I (LPG bulk strg) |
|--|---|---|

There was no representative present this evening. Due to the cancellation of the 2/25/10 Planning Commission meeting the public hearing scheduled for that day needs to be rescheduled which is 3/11/10.

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A motion was made by Bob Fiala and seconded by Chuck Cox to schedule a public hearing for rezoning for March 11, 2010.

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

Motion **CARRIED** **APPROVED FOR A PH 3/11/10**

A motion was made by Bob Fiala and seconded by Chuck Cox to table this rezoning application pending a public hearing on March 11, 2010

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

Motion **CARRIED** **TABLED**

| | | |
|--|---------------------------------|---|
| ARBOR RIDGE SUBDIVISION (Frank Chorba) | P.P.#27B-53D-4 Tamarac Blvd. | Prelim. Dev. plan for 73 S/F lots on 17.2 acres Using R-50 req'ts. RMF-LR / CO dist. |
|--|---------------------------------|---|

There was no representative present this evening. A variance is required for the 100' radius of the required 200' for the curvature of the street for Westover Dr. They are scheduled for the 2/24/10 Board of Zoning Appeals for an appeal.

A motion was made by Bob Fiala and seconded by Chuck Cox to table this preliminary plan pending an appeal to the Board of Zoning Appeals.

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

Motion **CARRIED** **TABLED**

NEW BUSINESS

ASCENTECH INC. 4772 E. 355TH St.
(Gary Latin)

site/elev plans
7,600 sq. ft.
Addt'n - W/H use
L-I dist.

Gary Latin of AscendTech represented this proposal for an addition to the rear of the building for use as a warehouse. Variances were granted at the 1/21/10 Board of Zoning Appeals for a 3.7' building side yard setback, 49 parking spaces of the required 65, less than 20% landscaping and parking lot setback.

Mr. Latin said that the parking shortage is on the existing building which had different code requirements when the building was built.

Mr. Latin said that the existing building is brick and the addition will be steel. The building across the street is steel.

Jim Sayles, City Engineer, said that the addition encroaches into a City owned easement. This 30' wide easement contains a sanitary sewer and storm drainage. The proposed AscendTech addition encroaches 6' onto the easement. A portion of the easement will have to be vacated which will have to be dealt with by Council.

Mike Lucas recommended that this proposal be tabled until Council resolves the easement vacation.

Bob Fiala advised Mr. Latin that he should submit a regular site plan because it is unusual for Planning Commission to approve an aerial map which is what was submitted to Planning Commission.

A motion was made by Chuck Cox and seconded by Bob Fiala to table this site plan and elevations plan pending Council's easement vacation.

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

Motion **CARRIED** **TABLED**

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VITALONE SERVICES INC. 37942 Vine St.
(Mario Vitalone)

SUP
Limo rental/strg
Office
C.O. 1109.10
D-B dist.

Mario Vitalone represented this Similar Use Permit application for a limo rental facility. This property was formally the Enterprise car rental facility which was by Conditional Use. Mr. Vitalone said that he as a land contract with the property owner. The floor will painted for his show room. Five to six cars can be stored on the lot. Mr. Vitalone said that he will have three employees at this facility.

Mr. Vitalone said that he will have two limos and three sedans parked inside the building. The little buses will be stored at the other garage and brought to this facility during the day. The limo buses will be displayed on the lot. The sedans are used frequently for back and forth driving to the airport which could be at all hours during the day. Therefore the hours of operation will be 24 hours a day seven days a week.

This facility will be used for storage. The cars will not be worked on at this facility. They will be serviced at the other garage that Mr. Vitalone owns.

A motion was made by Bob Fiala and seconded by Chuck Cox to approve the similar use permit.

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

Motion **CARRIED** **APPROVED**

There being no further business the regular meeting closed at 7:45 p.m.

Gerald Merhar, Vice Chairman

Betty A. Nardelli, Secretary