

**PLANNING COMMISSION
CITY OF WILLOUGHBY
MAY 13, 2010
REGULAR MEETING
MINUTES**

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

Chairman Gerald Merhar called the regular meeting to order at 7:07 p.m.

MINUTES **April 8, 2010**

MINUTES **April 22, 2010**

Both April 8, 2010 and April 22, 2010 minutes were approved as written.

OLD BUSINESS

NONE

NEW BUSINESS

TENNIS SPORTS	4803 E. 345 th St.	CUP
(Patricia Conti, ESQ.)		I/D & O/D sports Courts for mbrs
		C.O. 1145.03(e)(5) & (6) L-I dist.

Patricia Conti represented this conditional use permit application. Ms. Conti withdrew her application because the deal for the building did not go through. Ms. Conti said they are negotiating for another building in the same zoning classification.

A motion was made by Bob Fiala and seconded by Rick Hart to permanently table this conditional use permit per the request of the applicant.

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

Motion **CARRIED** **PERMANENTLY TABLED**

DISCUSSION

Patricia Conti, ESQ. 4803 E. 345th St.

Discussion
Ancillary bus. Serv.
For mbrs of I/D & O/D
Sports courts - **retail**
Pro shop / **spa** / **rest.** /
Bar / **health & wellness**
Services
L-I dist.

Patricia Conti represented this discussion for the operation of a sports facility for fitness, tennis and ancillary uses to supplement the business. This facility will be more than a room with a bunch of weights. The ancillary uses are a pro shop, spa services and health & wellness. They also would like a restaurant and bar to complement the members. Ms. Conti said she would like to have the option to open some of the services to the public. They would like to hire an events co-coordinator to use the restaurant and bar and courts once a month for charity events. If they had a member's only facility, people would have to purchase a membership for the one night just for the event. They would also offer child care in a supervised play area for the members with children who require child care while using the facility. Ms. Conti said that this facility will be similar to the Heisley facility in Mentor.

Janice Lipscomb said the definition in our Code defines indoor / outdoor recreation which is by conditional use in the Limited Industrial and Commercial Manufacturing zones. The problem is the restaurant and bar which is not permitted.

Bob Fiala said that the applicant will have to request a text change because a restaurant and bar are not permitted in the Limited Industrial zone. The definition would have to be amended to include restaurant and bar stated Ms. Lipscomb. The definition already includes spas, retail shop, courts, exercise equipment and hot tubs.

Ms. Conti said that the restaurant and bar are critical and an important part of the package in response to Rick Hart's question. Ms. Conti said that it is up to Planning Commission to allow the restaurant and bar to be open to the public in response to Ms. Lipscomb's question.

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Mike Lucas said that alcohol is already a use permitted in another zoning classification so a text change will be needed to include it in the definition and in Limited Industry and Commercial Manufacturing zones as a conditional use. Mr. Lucas advised Ms. Conti to submit an application for a text change.

No Action was taken on this discussion.

KIRTLAND TUDOR
(Joe Znidarsic)

Kirtland Rd.

Discussion - rezoning
RMF-LR to R-60

Joe Znidarsic, Attorney, represented this discussion and introduced Chuck Szucs of Polaris Engineering and Joe Franz, Kirtland Tudor Estates owner.

Mr. Znidarsic said they want the capability to create an alternate ownership form in the existing legislation that allows Tudor Estates in RMF-LR which is a condo development changed to fee simple.

Mr. Znidarsic said that in condo ownership you own an undivided interest in all common areas no matter where the common areas are and what the label is.

Mr. Znidarsic said that he is here this evening to see if Planning Commission is interested in a text change to C.O. 1135 to allow a fee simple envelope as a form of ownership as opposed to condo ownership. This is accomplished by a RMF-LR development with single-family development under C.O. 1135 using R-50 then platting under R-50 with dedicated streets which is under C.O. 1131. Mr. Znidarsic said that condo ownership is not mandated by Willoughby.

Instead of a condo association it would be homeowners association.

Mr. Znidarsic distributed a 2-page concept plan of Tudor Estates showing existing units 13, 14, 4, 5 A & B, 5B and unit 6 which exist and are half occupied. The second sheet shows how development would look if platted to permit fee simple envelope on site. The hash areas are Limited Common Elements (L.C.E.). The areas not designated as L.C.E are Common Elements. Units 5A and 5B are stacked. Unit 5B has a garage entry into an A frame with a separate out side entrance and sidewalk extending to the road. The sidewalk leads up to the entry that goes into an atrium to the back garage of 5B to a stairway going up.

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Mr. Znidarsic said that the City doesn't give up anything. There's added flexibility and capability in RMF-LR zoning classification. The streets will still be private.

Mr. Znidarsic is requesting to amend C.O 1135 to do fee simple envelope. It will not be a lot, it will be an envelope which already exists when already in a group development and meet the RMF requirement.

Bob Fiala said that he wants the Law Department to look at the draft Mr. Znidarsic drew up.

No action was taken on this discussion.

There being no further business the regular meeting closed at 8:20 p.m.

Gerald Merhar, Vice Chairman

Betty A. Nardelli, Secretary