

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
AUGUST 12, 2010  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Hart; B. Fiala; C. Cox, Acting Chairman  
**ABSENT:** G. Merhar; B. Irvine, Chairman  
**OTHERS:** Mike Lucas, Ass't. Law Director; Richard Smith, Chief Bdg.  
& Zoning Inspec.; Chris Woodin, Ward 1 Councilman; Betty  
A. Nardelli, Secretary

**Acting Chairman Chuck Cox called the regular meeting to order at 7:05 p.m.**

**MINUTES**

**July 22, 2010**

A motion was made by Rick Hart and seconded by Bob Fiala to approve the minutes of July 22, 2010 as written.

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

Motion **CARRIED**                   **APPROVED**

**OLD BUSINESS**

**STONEWALL PUB**  
(Seamus Coyne)

14 Public Sq.

**CUP - rest/bar**  
Sls/serv. alcoholic  
Bev. for on premises  
consump.  
D-B dist.

Robert Jackson, co-owner, in regards to the trash issue at the last meeting, said that Wayne Tribiano, owner of Willo-Security located at 38230 Glenn Ave. and behind the proposed pub, has agreed to let the pub share a 2 cubic yards dumpster in back of the proposed pub. The trash will be transported in 100 gallon cans with wheels to the dumpster at the end of the pub's business hours so as not to interfere with the neighbor's business. The dumpster will be picked up three times a week. Mr. Jackson said that Tony Osepik, owner of 12 Public Sq., is allowing them to transport the pub's trash containers across his parking lot.

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Shamus Coyne said that they met with Mr. Tribiano on Tuesday, August 10, 2010 regarding the garbage and trash. The concern is cleanliness. Mr. Tribiano wanted assurance that the patio in front is clean.

Mr. Jackson said they don't have a signed agreement to cross over the property in back of the pub in response to Mr. Cox's question but he said they will get one.

McPatt Coyne said that they submitted the seating chart this evening for the building and for the patio. The basement seats 32 patrons. The first floor seats 28. The second floor seats 20 and the patio seats 27.

Bob Fiala who has a business near the proposed pub expressed concern on how the patio is used and how it is maintained after business hours. He wants the patio policed daily for cigarette butts, beer bottles, etc.

Mr. Coyne said that he called the Service Department several times regarding a manhole for the pub property but his calls were never returned in response to Rick Hart's question. Mr. Smith advised Mr. Coyne to speak with Rich Palmisano who is the sewer department supervisor.

Cathy Webber, United Methodist Church representative, said that the Ohio Liquor Control allows 500' clearance from a pub to a church for selling alcohol. It is 90' from the Stonewall Pub's door to the Church's door. Ms. Webber said that is why the Church is concerned. If you have an issue it requires a hearing by the Ohio Liquor Board so a hearing is being pursued. Presently the issue is being handled by the Church's attorney. Parking is not an issue because they have an agreement with the City to use the City's parking lot.

Acting Chairman Cox said that we have the hours of operation, the seating chart, trash resolved and the maintenance of the patio. No outside music is permitted. The only items needed are a signed document allowing the cross over of the neighbor's property and a manhole.

Acting Chairman Cox said that Planning Commission can't act on the conditional use permit this evening because of the three members present this evening one member will abstain leaving two voting members. Three positive votes are needed so this application will be tabled.

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

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

Motion **CARRIED** **TABLED**

**KIRTLAND TUDOR  
ESTATES**  
(Joe Znidarsic)

Kirtland Rd.

**Text Amend - MF envel. lot  
devel. in R-MF dist.**

1. C.O.1103(b)(85)

**Add - (d)"envelope Lot"**

2. C.O. 1109.04(a)

**Add - (4) adding env. lot  
devel. to exist. aprv'd grp  
devel.**

3. C.O. 1135.04(b)

**Revise - 1<sup>st</sup> sent. for 1-fam  
& 2-fam on indiv sub. Div.  
lots to comply w/R-50 dist.  
regs. set in C.O.1131**

4. C.O. 1135.04

**Add - (i), (i), (ii), (iii),  
(iv), (v), (vi), (vii) &  
(viii)**

5. C.O. 1135.09

**Add - "reqs. dev. plan  
aprv'l of prev. aprv'd dev.  
when env. lots proposed"**

6. C.O. 1161.07(a)

**Amend - pkg sp req'd when  
loca. on same lot as dwell.  
Unit for envel. Lot**

RMF-LR dist.

There was no representative present this evening. This text amendment remains tabled with no action taken.

**NEW BUSINESS**

**SON'S AUTO TRUCK &  
TIRE SERVICE**

36635 Reading Ave.  
Unit #17

**CUP  
Auto. Repair fclt'y  
C.O. 1145.03(C)(2)  
L-I dist.**

Donna Pishnery, owner, represented this conditional use permit

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application. Ms. Pishnery said that her cousin will operate the business. The conditions agreed upon are:

Hours of operation: 7:00 a.m. until 7:00 pm Monday through Saturday. Closed on Sunday.

Overnight outside parking is not permitted.

Outside storage is not permitted.

Four parking spaces go with the rental unit.

The dumpster shall be furnished by the landlord.

Ms. Pishnery said parts will be stored inside and put in the dumpster on pickup days. Ms. Pishnery said that the building can accommodate three cars inside.

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

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

Motion **CARRIED**           **APPROVED**

**DISCUSSION**

**WILLOUGHBY CROSSING**  
(Anthony Slyman)

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

**Discuss. - devel.**  
Parcel B & C  
(A-P) RMF-LR &  
G-B dist.  
(apr'v'd 10/27/05  
for 113 condo units)

Anthony Slyman, Developer, and Dave Novak, Surveyor, represented this discussion for a development for fee simple lots using R-50 regulations on private roads for parcel "B" and parcel "C". Mr. Novak submitted a plan for 167 lots on 32 acres that have a minimum area of 6,000 sq. ft. The smallest lot is 50' X 125' which allows a 40' front yard setback with 5' side yard setbacks. Lots that are 125 ½' deep will not have a 40' rear yard setback. Those lots will have a setback equal to 30% of the lot depth which is 37 ½' but still within the R-50 framework. Mr. Novak said that they have a zoning classification for parcel "C" which is zoned General Business. To get this plan approved, Mr. Novak said that they need to rezone parcel "C" to Residential Multi-Family Low-Rise.

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Mr. Slyman said that they never finalized rezoning of a portion of Parcel "C" in 2006. Now he wants to rezone the entire parcel "C" to RMF-LR so both parcel "B" and parcel "C" are the same zoning classification. Mr. Slyman feels that the property will be better as fee simple lots than a condo development. There will be more green space and the houses will be much larger than Willoughby Crossing parcel "A".

Mr. Slyman said that they have already stated developing parcel "B" when the development was to be 113 condo units. Part of the infrastructure that was put in for parcel "A" also will benefit parcel "B". Parcel "B" and parcel "C" are already cleared. The development will be built in phases with about 33 to 35 lots each phase. Each road will be a phase.

Bob Fiala said that lots numbered 45 thru 71 near Lost Nation Rd. should be screened. Mr. Slyman said these lots are deeper so they can have a buffer from Lost Nation Rd. Mr. Novak said that lots numbered 72 thru 78 on Hodgson Rd. are also deeper.

Mr. Fiala said that the Home Owners Association should mandate that the deep lots should have berming.

Bob Fiala questioned the dead end streets. Mr. Novak said that the reason they are dead end streets is because streets can't be longer than 300'.

Mr. Novak said they don't want any more curb cuts on Lost Nation Rd. in response to Acting Chairman Cox's question regarding homes facing Lost Nation Rd. The front elevation could face Lost Nation Rd.

Chris Woodin, Ward 1 Councilman, said that he has no issues with the proposed development. They should have a Home Owners Association so they can mandate buffers, weeds and water retention.

Mr. Novak said that they can make the 140' deep lots 125' deep than the strip of land left over can be block "A" owned by the Home Owners Association and they can maintain it. The advantage of the "block" is that an individual doesn't own it.

Mr. Slyman wanted to clarify that the Home Owners Association for parcel "A" is not part of parcel "B". It is for 98 units. Parcel "B" is not part of parcel "A". Parcel "B" will have a separate Home Owners Association.

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Acting Chairman Cox told the applicants that their next step is to rezone parcel "C". Mike Lucas, Assistant Law Director, advised the applicants that they can submit the site plan concurrently with the rezoning application allowing both items to be on the agenda at the same time.

No action was taken on this discussion.

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

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Charles Cox, Acting Chairman

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Betty A. Nardelli, Secretary