

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
JANUARY 8, 2009  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Hart; B. Fiala; C. Cox; G. Merhar, Vice Chairman  
B. Irvine, Chairman

**ABSENT:** No One

**OTHERS:** Mike Lucas, Ass't. Law Director; Jim Sayles, City Engr.;  
Richard Smith, Chief Bldg. & Zoning Inspector; Betty A.  
Nardelli, Secretary

Vice Chairman Gerald Merhar called the regular meeting to order at 7:05 p.m.

**MINUTES**

**December 11, 2008**

A motion was made by Chuck Cox and seconded by Rick Hart to approve the minutes of December 11, 2008 as written.

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

Motion Carried:       **APPROVED**

**OLD BUSINESS**

**NONE**

**SCHEDULE PH HEARING**

**LAKESHORE LOUNGE**  
(Dennis Bolz)

38770 Lakeshore Blvd.

**CUP  
alcohol sls/svc  
On-premises  
O/D deck & music  
R-B dist.**

There was no representative present this evening.

A motion was made by Rick Hart and seconded by Bob Fiala to schedule a public hearing for January 22, 2009.

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

Motion **CARRIED APPROVED FOR A PH 1/22/09**

A motion was made by Rick Hart and seconded by Bob Fiala to table this conditional use permit application pending a public hear January 22, 2009.

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

Motion **CARRIED TABLED**

**NEW BUSINESS**

**THE KENNEDY GROUP**  
(Todd Kennedy)

38601 Kennedy Pkwy

**Lot split  
create 3 lots**

A = 7.4892 acres  
B = 3.3497 acres  
C = 6.5671 acres  
A-P dist.

Todd Kennedy, Operations Vice President of the Kennedy Group, represented this lot split application to split a parcel into three lots. Mr. Kennedy said that the reason for the lot split is to refinance a mortgage on the building. This lot split will allocate land for the building and the rest will be subdivided for the future.

Jim Sayles advised Mr. Kennedy that the legal description and plat required some minor changes. Mr. Sayles said that the lot split can be approved contingent on the City Engineer's final review of the metes and bounds.

Mr. Hart wanted to know why the lot split was for three parcels instead of two. Parcel B lot is for the detention basin. Mr. Kennedy said that there is room behind the detention area to put a 35,000 sq. ft. stand alone facility on that parcel.

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A motion was made by Bob Fiala and seconded by Rick Hart to approve this lot split contingent on the city Engineer's approval of the metes and bounds.

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

Motion **CARRIED**           **APPROVED**

**LAW DEPARTMENT**           Administration           **C.O. 1111.09 - Amend**  
(John Wiles)   Modify 2<sup>nd</sup> para. lang.

Mike Lucas, Assistant Law Director, said the reason for this amendment is to ensure that the City has control over work in progress.

Richard Smith, Chief Building and Zoning Inspector, said that this code came up because of a certain development on Lost Nation Rd. because the final layer of asphalt and the sidewalks aren't installed. Pursuant to C.O. 1111.05 a performance bond is required when the plat is approved. That bond is for the completion of the road and a two year maintenance bond is required when the City accepts the road. Houses were built there and per C.O. 1111.09 a cash bond is required for maintenance of an unfinished road.

People living there assume that they are getting City services. Mr. Smith said that the certificate of occupancy usually states City services. Unless the Builder gives a copy of the Certificate of Occupancy to the homeowner then he never knows he is getting City Services said Mr. Cox.

Mike Lucas said that once the street or plat is accepted, the City provides services. Jim Sayles stated that when the improvements are all installed and accepted by Council, the City takes ownership of the improvements in response to Vice Chairman Merhar's question.

The following is an amendment to the second paragraph of C.O. 1111.09 - **Building Construction and Occupancy:**

"A building permit may be issued and construction started after the completion of the underground utilities. If a temporary pavement is constructed, a temporary certificate of occupancy

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including a statement that the City is not liable for maintenance of ~~such improvements,~~ utilities and other improvements ~~may~~ shall be issued ~~be provided.~~ The City may require the developer to furnish ~~furnishes~~ a cash bond in the amount required by the City guaranteeing that all streets shall be maintained in a passable and reasonable condition until such time as the final pavement is completed and accepted for use and maintenance as set forth in Section 1109.07(d)."

A motion was made by Rick Hart and seconded by Bob Fiala to approve this amendment to C.O. 1111.09 as requested.

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

Motion **CARRIED**               **APPROVED**

**PLANNING COMMISSION**

**2009 Election -  
Chairman /  
Vice Chairman**

A motion was made by Chuck Cox and seconded by Rick Hart to nominate Bob Irvine for Chairman of Planning Commission for the year of 2009.

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 nominate Jerry Merhar for Vice Chairman of Planning Commission for the year of 2009.

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

Motion **CARRIED**               **APPROVED**

There being no further business the regular meeting closed at 7:40 p.m.

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Gerald Merhar, Vice Chairman

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Betty A. Nardelli, Secretary