

**PLANNING COMMISSION
CITY OF WILLOUGHBY
SEPTEMBER 24, 2009
REGULAR MEETING
MINUTES**

PRESENT: R. Hart; B. Fiala; C. Cox, G. Merhar; B. Irvine, Chairman
ABSENT: No One
OTHERS: Mike Lucas, Ass't. Law Director; Jim Sayles, City Engr.;
Reporter; Betty A. Nardelli, Secretary

Chairman Robert Irvine called the regular meeting to order at 7:01 p.m.

MINUTES

August 27, 2009

The minutes of August 27, 2009 were approved as written.

OLD BUSINESS

NONE

NEW BUSINESS

LANHAN LANDSCAPE CONTRACTORS (Wm. Lanhan)	2220 Lost Nation Rd.	Site/Elev plans - addt'n 4,500 sq. ft (CUP granted 3/12/09 L-I dist.
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There was no representative present this evening. A variance is needed for 12 parking spaces and hard surface parking area. The site plan was approved at the September 3, 2009 Ingress Egress Board.

A motion was made by Jerry Merhar and seconded by Rick Hart to table this site plan and elevations plan pending an appeal to the Board of Zoning Appeals.

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

MOTION CARRIED: TABLED

SCHEDULE SPCL MEETING

PLANNING COMMISSION	Work Session	Discuss W/Janice Lipscomb re: Results/conclusion of D/T Ranking Committee
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This special meeting between Planning Commission and Janice Lipscomb, Economic Development Manager, is to discuss the results of the Down Town Ranking Committee meetings when they chose the outcome of the status of buildings in the Down Town area.

A motion was made by Jerry Merhar and seconded by Rick Hart to Schedule a special meeting for 6:00 p.m. on October 8, 2009 one hour prior the Planning Commission meeting.

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

MOTION CARRIED: APPROVED FOR SPCL MTG 10/8/09 @ 6:00 P.M.

ADDENDUM

ADDITIONAL NEW BUSINESS

PLANNING COMMISSION
(Mike Lucas)

**Text amend. -
Asstd lvg fclt'y**

Mike Lucas, Assistant Law Director, submitted a draft of this text amendment.

Mr. Lucas said there is a change to one of the items in his draft which is:

Page 5 - C.O. 1155.06(3) - change (a) to "3 acres" for the area for Minimum Lot requirements. Prior the change the (a) referred you to the district requirements.

The other changes were due to Planning Commission's discussion which are:

Page 6 - C.O. 1155.07 e) (1) - Supplemental Regulations for Specific Uses

delete - "sideline" in the 3rd sentence of item (1).

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Page 6 - (e)(2) - Change "thirty(30)" to "thirty two(32) beds per acre. (this change was requested by Jon Spears of Vintage Development)

The amendments are to the following codes:

C.O. 1103.03(b) - Definitions

Add # (7) "Assisted Living Facility"....

Delete # (30) "Congregate Living Facility"

C.O. 1135.03(c)(6) - Schedule of Permitted uses (under the Institutional category) for Multi-Family Residential Districts.

Delete "and other Congregate Living Facilities" under item #6.
Keep "Homes for the aged and Homes for children" for this use.

C.O. 1141.03 - Schedule of Permitted uses for Business Districts

Add (g) - "INSTITUTIONAL"

Add # (1) - "Assisted Living Facility" as a CUP in the Down Town Business district

C.O. 1155.04(8) - Schedule of Regulations for Conditional Uses in Residential Districts

Delete "and other similar congregate living facilities"...
under item #8.

Keep "Group home for handicapped or elderly persons" for this use.

C.O. 1155.06 - Schedule of Regulations for Conditional Uses in Business, Commercial and Industrial Districts.

Add # (3) - "Assisted Living Facility"

C.O. 1155.07 - Supplemental Regulations for Specific Uses

Add item (e) - "Assisted Living Facility. In D-B District, the following requirements shall be complied with as conditions for granting a conditional use permit for an assisted living facility.

Add # (1) through #4 (see draft)

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Delete in item (q) - "and other similar congregate living facilities". "Congregate living facilities"

Keep "Group Home for Handicapped or Elderly Persons" "Group Homes for handicapped and/or elderly persons"...

C.O. 1161.04 (b) - Required Off-Street Parking Spaces

Add # (7) - "Assisted Living Facility" - 1 space for every 2 Beds

Mr. Lucas said that the text amendment is for adding "**Assisted Living**" in the **definitions** section of **C.O. 1103**, adding "**Assisted Living**" as a conditional use for both **C.O. 1141** in the Down Town Business district and for the conditional use regulations in **C.O. 1155**. Chuck Cox stated that he would like "Assisted Living" in all the districts. Having it in Downtown Business only, to him, is like "spot zoning". Mr. Lucas said that assisted living is for adults and not just for the elderly.

Mr. Lucas said that "**Congregate Living Facilities**" is **deleted** from the Definitions section of the code, from the Multi-Family district as a conditional use and from the conditional use code. Mr. Lucas said that "**Congregate Living**" is **no longer in our ordinances**.

There is a definition for group homes for the handicap but there is not a definition for Home for the aged. There also is no definition for Halfway house. Jerry Merhar suggested looking at **Elderly Group Home** more or delete it from the code. Rick Hart would like to see "**Elderly**" as a different project.

Chairman Irvine advised the members to act tonight on the text change for Down town Business and for the Secretary to put it on the next agenda for further amendment in other districts. Mike Lucas will review the code further for the "Elderly" use.

A motion was made by Jerry Merhar and seconded by Bob Fiala to Approve the text change for assisted living facility as revised.

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

MOTION CARRIED: APPROVED

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DISCUSSION

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

Otar Magnusson and Drake Walthall represented this discussion for rezoning to be allowed to sell bulk LPG gas to refill 20# propane tanks. Mr. Walthall said that Mr. Magnusson has cleaned up the site tremendously since he took over the property. Mr. Magnusson said the LPG tank will be about 1,200 gallons. It will be located behind the large building near the railroad tracks. Chairman Irvine stated that Sun Rental on Mentor Ave. has a 1,000 gallon tank. Mr. Magnusson said that there is also diesel tanks and gas tanks on site. Chairman Irvine was concerned because the site is near retail and residential districts.

Mr. Lucas said that fuel tanks on the site is grandfathered in response to Chairman Irvine's question.

Mr. Magnusson said that Allega is also proposing to rezone the property behind the railroad tracks to General Industry.

Chairman Irvine said that he would like to walk the site.

A motion was made by Jerry Merhar and seconded by Chuck Cox to schedule a walk for 5:30 p.m. on October 8, 2009 prior the Planning Commission meeting.

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

MOTION CARRIED: APPROVED FOR A WALK AT 5:30 PM on 10/8/09
No action was taken on this discussion as it was only on for discussion.

There being no further business the regular meeting closed at 8:10 p.m.

Robert Irvine, Chairman

Betty A. Nardelli, Secretary