

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
OCTOBER 22, 2009  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Hart; B. Fiala; C. Cox; G. Merhar, Vice Chairmn  
**ABSENT:** B. Irvine, Chairman  
**OTHERS:** Mike Lucas, Ass't. Law Director; Richard Smith, Chief Bdg.  
& Zoning Inspector; Chris Woodin, Ward 1 Councilman; Ed  
Figler, Former Councilman-at-Large; Betty A. Nardelli,  
Secretary

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

**MINUTES**

October 8, 2009  
(Spc'l mtg 6:00 p.m.)  
(Reg mtg 7:00 p.m.)

All the minutes were approved with the following correction:  
The bulk LPG tank capacity is 1,000 lbs. lbs for Big Oats Oil/Gas  
Co. at 38700 Pelton Rd. The minutes reflected 100 lbs capacity.

**OLD BUSINESS**

<b>LANHAN LANDSCAPE CONTRACTORS</b> (Wm. Lanhan)	2220 Lost Nation Rd.	<b>Site/Elev plans</b> - addt'n 4,500 sq. ft (CUP granted 3/12/09 L-I dist.
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This proposal remains tabled pending an appeal to the Board of  
Zoning Appeals.

**NEW BUSINESS**

<b>NEWLAND CHRISTIAN DAYCARE</b> (Past. Lola Kolawole)	38600 Lakeshore Blvd.	<b>CUP</b> Child daycare G-B dist.
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Pastor Lola Kolawole and Ben Kolawole represented this conditional  
use permit application. A public hearing was held earlier this  
evening.

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Pastor Kolawole said that there also will be a church in the same building with the same name as the Day Care center which will be separate from the day care center. The Church was formally located on Route 615 in Mentor. Currently they are not at any other location.

Pastor Kolawole said the day care center will have 20 children. They can't have more than the number that they are licensed for or they will lose their license. Some of the children are pre-schoolers and some are after school children. Presently there is no fenced in play area outside but a chain across the driveway is planned. Richard Smith said that it is required by the State to have a fenced in play area response to Vice Chairman Merhar's question. Also inside the building 68 sq. ft. per child is required. The area required for 20 children is 1,360 sq. ft. Pastor Kolawole said that it depends on the position of the building to determine if a fence is required. Mike Lucas stated that the outside area has to be fenced in for the protection of the children. This is part of the conditional use permit requirement.

Pastor Kolawole said she doesn't have a license yet because she has to get approved for a conditional use permit first. The State is waiting on this approval.

Richard Smith said that the State grants the license, the Building Department issues a certificate of occupancy after a fire and electric inspection of the building. Mr. Smith said the Building Department gets a copy of what the State issues. After the day care is licensed the State inspects the Day Care annually.

The conditions agreed to are:

- Hours of operation:  
6:00 a.m. until 6:30 p.m. Monday through Friday.
- A total of 20 children are permitted.
- The outside play area shall be fenced in and controlled by the State before opening.
- Any and all applicable state regulations shall be followed and all licenses must be obtained to operate.
- The day care facility must be State approved.

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

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

Motion **CARRIED** **APPROVED**

<b>COSTANZO &amp; SON</b> (Richard Eisenberg)	4803 E. 345 <sup>th</sup> St.	<b>Site/Elev plans</b> - addt'n 5,792 sq. ft. Strg use L-I dist.
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Richard Eisenberg, Attorney, and Steve Ciciretto, Architect, represented this proposal. Mr. Eisenberg said that the addition encloses an existing fenced in dock at the rear of the building. The addition will be used for dead storage of building materials purchased on sale from shopping centers. There will be no flammable or combustible items stored. Mr. Ciciretto said that the existing lean to on the dock will be torn down. The addition consists of metal siding and metal roof that will match the existing buildings metal siding on the top of a masonry building.

A motion was made by Bob Fiala and seconded by Rick Hart to approve the site plan and elevations plan.

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

Motion **CARRIED** **APPROVED**

<b>PLANNING COMMISSION</b> (Mike Lucas)	<b>Text amend. - Asstd lvg fclt'y</b> As CUP in other districts Besides D-B dist.
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Mike Lucas distributed a memorandum and represented this discussion. The memorandum is divided into four sections which are:

- I - **Current definitions and scheduled districts** - These uses are defined under C.O. 1103.03(b) in the definitions section and listed in their permitted zoning districts which are:
- (3) **Adult-day care facility**
  - (30) **Congregate Living Facility**
  - (66) **Home for handicapped persons, family**
  - (65) **Handicapped**

- (50) **Family**
- (67) **Home for handicapped persons, group**
- (96) **Nursing home**

II - **Uses undefined and scheduled districts** - These uses are identified without a definition in our City Planning and Zoning Code which is:

**Senior Citizen Development  
Homes for the Aged  
Homes for children  
Long-term Care Facility  
Group Home for Handicapped or Elderly Persons and Other  
Similar Congregate Living Facility**

(The last part of the paragraph, "**and other Similar Congregate Living Facilities**" has recently been deleted and approved by Council).

(Mr. Lucas said that we might also delete the remaining sentence, "**Group Home for Handicapped or Elderly Persons**").

III - **Ohio Revised Code Definitions** - These definitions are Not directly identified anywhere but are set forth in the Ohio Revised Code and are instructive for discussion purposes by the Planning Commission which are:

**Residential Care Facility  
Home for Aging**

IV - **General Definitions** - independent of the Ohio Revised Code Definitions but are submitted for discussion purposes:

**Adult Care Facility  
Adult Day Care Facility  
Adult Family Home  
Adult Group Home  
Home for the Aging  
Hospice Care Facility**

Mr. Lucas said that we should get drafting ideas at the next meeting.

A motion was made by Rick Hart and seconded by Bob Fiala to table this text amendment discussion.

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

Motion **CARRIED**           **TABLED**

There being no further business the regular meeting closed at 7:50 p.m.

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Gerald Merhar, Vice Chairman

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Betty A. Nardelli, Secretary