

**PLANNING COMMISSION  
CITY OF WILLOUGBY  
SEPTEMBER 27, 2007  
REGULAR MEETING  
MINUTES**

**PRESENT:** B. Fiala; R. McLaughlin; G. Merhar; B. Irvine, Chairman  
**ABSENT:** R. Hart  
**OTHERS:** Mike Lucas, Ass't. Law Director; Jim Sayles, City Engr.;  
Janice Lipscomb, Econ. Devel. Mgr.; Richard Smith, Chief  
Bldg. & Zoning Inspector; Jeff Black, Councilman At  
Large; Betty A. Nardelli, Secretary

Chairman Robert Irvine called the meeting to order at 8:00 p.m.

**MINUTES**

**August 23, 2007**

The minutes of August 23, 2007 were approved as written.

**NEW BUSINESS**

**SCHEDULE PUBLIC HEARINGS**

**HUNTINGTON BANK**  
(Sky Bank)  
(Ted Manfrass, Arch)

36505 Euclid Ave.

**CUP**  
Canopy Ext.  
add't'l D/T lane  
(name/chng)  
G-B dist.

There was no representative present this evening.

A motion was made by Jerry Merhar and seconded by Ron  
McLaughlin to schedule a public hearing for a conditional use  
permit for October 11, 2007.

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

Motion **CARRIED**                          **APPROVED FOR PH 10/11/07**

A motion was made by Ron McLaughlin and seconded by Jerry  
Merhar to table this conditional use permit pending a public  
hearing on October 11, 2007.

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

Motion **CARRIED**                   **TABLED**

**FIRST PRESBYTERIAN CHURCH**       4785 Shankland Rd.                   **CUP -**  
  Fellowship and  
  activities as an  
  **accessory use to**  
  **Place of Worship**  
  **which is a CUP use**  
  C.O. 1155.07(bb)  
  R-60 dist

There was no representative present this evening.

A motion was made by Jerry Merhar and seconded by Ron McLaughlin to schedule a public hearing for a conditional use permit for October 11, 2007.

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

Motion **CARRIED**                   **APPROVED FOR PH 10/11/07**

A motion was made by Ron McLaughlin and seconded by Bob Fiala to table this conditional use permit pending a public hearing on October 11, 2007.

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

Motion **CARRIED**                   **TABLED**

**OLD BUSINESS**

A motion was made by Jerry Merhar and seconded by Bob Fiala to remove all tabled items from the table for discussion.

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

Motion **CARRIED** **APPROVED FOR UNTABLING**

**RUPLE BLDRS. INC.**  
(John Ruple)

4500 Hamann Pkwy

**CUP**

**Outdoor strge - mtl &**  
**trucks in ass'n. w/ prin.**  
**use of fabric'n. Of steel**  
C.O. 1145.03(c) (3)A  
C.O. 1179.03(d) - **screen**  
C.O. 1155.07(aa)  
L-I dist.

John Ruple represented this conditional use application. Mr. Ruple said that they fabricate what they erect. He is also in the contracting business besides the fabrication business.

Mr. Ruple said that 1/3 of the stuff stored outside came out of the building. The boat is his and the engine was repaired and it will be removed from the property.

Richard Smith said they requested a site plan which was reviewed in April of 2006. Revisions to this site plan were requested. The revisions were received in March of 2007 after a notice of violation was mailed out to Mr. Ruple. The variance for parking in the front yard was approved. Mr. Smith said that drainage calculations were requested and that is where they are at now.

Mr. Ruple said that he had a problem with the title transfer of the property because of the sewers which did not show up on the sewer test because there were no sewers. The water was draining into a cistern. Mr. Ruple said that a plan was devised for the storm sewer and a tap in was done. Mr. Ruple submitted the plan to the Chairman and said that this plan is what was proposed with landscaping and a fenced in area for outside storage. Mr. Ruple said that he will clean up the site.

Chairman Irvine said that Mr. Ruple succeeded partially on a lot of things but has difficulty finishing them. Chairman Irvine further said that all the stuff stored outside is not related to a fabricating business. Mr. Ruple commented that all the vehicles in the lot are plated. He has two semis for hauling the steel in. He has an over the road truck that is on the road often. The smaller trucks are part of their everyday deliveries. Mr. Ruple stated

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that if he is allowed to erect a fence he will enclose everything in and remove all the debris. Lowell Ruple said that the problem is that he hired a surveyor instead of an engineer for the initial site plan. The engineer couldn't do the engineering part of the plan. That accounts for the lapse in response to the revisions. John Ruple said that he has not seen a response from the City engineer on the revision that was sent in. Jim Sayles, City Engineer, said that the drainage calculations are wrong. John Ruple wanted to know if his plan and calculations were marked up citing what was wrong and sent back to his engineer. Mr. Sayles responded saying that his office deals with the City's Building Department for plans and calculation reviews. Mr. Ruple said that he never received anything in writing from the City regarding what was wrong with his submittal.

Chairman Irvine advised John Ruple to return with a list of what will be stored outside and they will go from there. Chairman Irvine suggested that this application be tabled.

A motion was made by Ron McLaughlin and seconded by Jerry Merhar to table this conditional use permit pending a list of items that will be stored outside.

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

Motion **CARRIED**               **TABLED**

**BRECKENRIDGE VLG.**  
**SATELLITE DEVEL.**  
(OPRS)

P.P.#27A-2-2  
Ridge Rd.  
(Grace Church)

**CUP -**  
**Sr. Cit. Devel.**  
114 units for  
Srs., indiv. age 55+  
C.O. 1131.03(4)  
C.O. 1155.07(hh)  
**Bldg #1 & #3 exceeds 35' hgt**  
**C.O. 1155.07(ii) (2) (D)**  
  
**bldg #4 w/30' S/B**  
**from prop. bound.**  
**line of Req'd 40'**  
**C.O. 1155.07(ii) (2) (C)**  
R-100 dist.

David Schell represented this conditional use permit application.

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Chairman Irvine cited C.O. 1155.07(ii)(4) of the supplemental regulations for a conditional use recently amended by the City. The paragraph cited was in regards to a senior living facility in R-100 not permitted to be located within one mile of a senior citizens development. Chairman Irvine wanted to know the classification of the existing Breckenridge facility and if it fell under this code. Mike Lucas stated that this is the expansion of a common ownership which does not fall under this clause of the code therefore this is not treated as two distinct senior living facilities.

The other item requiring a conditional use permit is the setback. The 30' setback for building #4 is a setback from the interior project boundary lot line. Mr. Milligan said the actual setback from Carriage Lane is 40.5'. With the 40.5' setback and Carriage Lane's 40' rear yard setback the total setback is 80' plus. There was discussion of turning the building but because of a ravine in that vicinity it isn't possible. Chairman Irvine said that the profile of building #4 will look like a 2-story home. Chairman Irvine requested that the short side of the building face the Carriage Lane residents. That side will have the least impact on the residents. If the building is turned it would show the long side to the residents. David Schell said that they will do everything possible to try to move the building so that it will be beneficial not only to the adjoining property residents but also to the neighbors as well. There could be more landscaping there also.

Chairman Irvine said that a barbershop and beauty shop are not permitted uses in this district. Mr. Schell said there are no plans for a deli in response to Chairman Irvine's question.

Jim Sayles said that the sanitary sewers for the Carriage Lane pumping station will go in the interior project setback. The pumping station will serve Carriage Lane as well as this development. It will be tied into an energy generator.

The elevation drawings submitted are for Building #1 and for building #3 for the height that requires a conditional use permit. Mr. Milligan said that building #1 is 38' high on the east elevation. Building #3 is 51' high on the west elevation. Building #3 is part of a double building. Mr. Schell said there are no plans to expand this development.

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Bob Fiala suggested decreasing the roof pitch to decrease the height of the building. Mr. Milligan said the roof pitch is 5/12 which is not very steep and gives an appearance of 12/12. Mr. Milligan said that the pitch could be dropped to 4/12 which would be pretty flat.

Mike Lucas said that this conditional use permit will not run with the land. The use is limited to the Planning Commission motion. The 114 units are what were applied for. The height is based on this development. Any changes, the applicant will have to return.

This application requires three motions.

**Use:**

A motion was made by Jerry Merhar and seconded by Bob Fiala to approve the conditional use permit to allow a senior development for 114 units maximum for senior individuals age 55 and over.

ROLL CALL:       Yeas:       B. Fiala; R. Mclaughlin; G. Merhar;  
                  Nays:        B. Irvine  
                  Absent:     R. Hart

Motion **CARRIED**               **APPROVED**

**Bldg. Hgt.:**

A motion was made by Bob Fiala and seconded by Ron McLaughlin to approve the conditional use permit for excessive height exceeding the 35' height permitted by code but not to exceed a 38' height for the east elevation for building #1 and not to exceed a 51' height for the west elevation for building #3.

ROLL CALL:       Yeas:        B. Fiala; R. Mclaughlin; G. Merhar;  
                  Nays:        B. Irvine  
                  Absent:     R. Hart

Motion **CARRIED**               **APPROVED**

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**Setback:**

A motion was made by Ron McLaughlin and seconded by Jerry Merhar to approve the conditional use permit for the 30' project boundary setback of the required 40' for building #4.

ROLL CALL:       Yeas:       B. Fiala; G. Merhar; B. Irvine  
                  Nays:       R. Mclaughlin  
                  Absent:     R. Hart

Motion **CARRIED**           **APPROVED**

**NEW BUSINESS**

<b>OPRS</b> (Breckenridge VLG) (Tom Darnell)	P.P.#27A-7H-10, 11 & 12 AKA 5027 - 5033 5045 - 5039 <b>Robinhood Dr.</b>	<b>Landscape plans</b> (Sr. Cit. Develop.) for site plan apr'v'd 1/25/07 RMF- LR dist.
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Bill Behnke, Landscape Architect, represented this landscaping plan. Mr. Behnke said that basically this landscape plan is a trees and grass concept. Planting for heavy screening will be planted at the rear of the building which is Robinhood Dr. The attempt is to protect the west side of the property with large deciduous trees and ornamental flowering crab and dogwood trees.

A motion was made by Bob Fiala and seconded by Ron McLaughlin to approve the landscape plan as submitted.

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

Motion **CARRIED**           **APPROVED**

<b>ROBERT SLATTERY</b>	38600 Lakeshore Blvd.	<b>Revised site plan</b> Addt'l pkg area G-B dist.
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There was no representative present this evening.

A motion was made by Ron McLaughlin and seconded by Jerry Merhar to table this revised site plan.

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

Motion **CARRIED** **TABLED**

**PLANNING COMMISSION** Richard Smith **Text amend.**  
**C.O. 1131.11(i)(1)**  
**Fence hgt**  
From 30" to **36"**  
**W/I 25' of R-O-W**

Richard Smith represented this text amendment. Mr. Smith said that 36" tall fencing panels can be purchased in the stores but not 30" causing many residents to seek variances when 30" high fencing is required within 25' of the right-of-way.

A motion was made by Ron McLaughlin and seconded by Jerry Merhar to approve the amendment to C.O. 1131.11(i)(1) amending 30" tall fencing to 36" tall as submitted.

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

Motion **CARRIED** **APPROVED**

**INTERNET AUTO DEALERS** Richard Smith **Use**  
**Permitted or CUP**

Richard Smith represented this discussion for Internet Auto Dealers. Mr. Smith said he had three calls regarding internet auto dealers in the Limited Industrial district. Mr. Smith said that these are used cars and per our code used car sales are allowed in association with new car sales. The question is if this should be allowed as a permitted use or conditional use. Another question is where will the cars be picked up after they are purchased?

No action was taken on this discussion.

There being no further business the regular meeting closed at 9:17 p.m.

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Robert Irvine, Chairman

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Betty A. Nardelli, Secretary



