

**PLANNING COMMISSION
CITY OF WILLOUGHBY
APRIL 11, 2013
PUBLIC HEARING
MINUTES**

PRESENT: B. Fiala; C. Cox; G. Merhar, Vice Chairman

ABSENT: Ken Kary; B. Irvine, Chairman

OTHERS: Mike Germano, Ass't. Law Director; Jim Sayles, City Engr.;
Chris Woodin, Ward 1 Councilman; Betty A. Nardelli,
Secretary

Vice Chairman Gerald Merhar called the public hearing to order at 7:05

The legal notice was read into the record for the following:

ANTHONY'S DISCOUNT AUTO 1171 Lost Nation Rd.
(David Evangelista)

**CUP - amend
add cond. #5
To allow O/S display
L-I dist.**

The following spoke **FOR** the proposal.

Mr. Evangelista said that per the conditional use permit of his last hearing he did not know that he wasn't allowed to display tires outside. Mr. Evangelista said that he was selling two to three sets of tires a week when he first opened up. When he brought the tires inside his sales dropped in the last six months except for a few used tires that he sold. Mr. Evangelista showed a picture of his facility with the tires on display and a picture without the tires on display.

Mr. Evangelista said that he would also like to add "keep the doors open during business hours" to his permit

Mr. Evangelista said that people tell him that they don't know he is there. Mr. Evangelista said he has two stacks of tires on display and he would like to display another stack.

Mr. Evangelista said that he has been in the auto repair business for 20 years.

Chris Woodin
940 Eaglewood
Willoughby, Ohio 44094

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Mr. Woodin said that this spot has been vacant for about six years. When he drives by this facility he has no idea that it is open. Mr. Woodin said that a visual is needed to let people know that it is open. Mr. Woodin said that Mr. Evangelista is a good neighbor and if he is allowed to display tires outside it will increase his business. Mr. Woodin said that he has no issues with noise there.

The following spoke **AGAINST** the proposal.

No one

The following spoke **IN REBUTTAL FOR** the proposal.

David Evangelista

30748 Clarmont Rd.
Willowick, Ohio 44095

Mr. Evangelista said that he prides himself of the experience of a dealership level without the dealership. Mr. Evangelista said that he sees no issue with noise and he doesn't install loud mufflers.

ON THE GREENS P.P.#27B-52-1
PROPERTY CO. 38890 Hodgson Rd.
(Anthony Slyman)

Rezoning -
19.5733 acres
G-B to **RMF-LR**
Combine w/
P.P.#27B-52-13
For 157 S/F lots
32.3305 acres
G-B dist.

The following spoke **FOR** the proposal.

Anthony Slyman

38765 N. Bay Dr.
Willoughby, Ohio 44094

Mr. Slyman said that he has been involved with this property for many years. He has made an effort during those years to market the property and he has not been successful. Mr. Slyman said that he has a plan to do residential and during that time he will also farm the land.

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Mr. Slyman submitted a letter from a company who during the past years tried to market this property by trying to bring retail and commercial components to the site.

Chris Woodin
940 Eaglewood
Willoughby, Ohio 44094

Mr. Woodin said that this property is in his geographic ward and he said that this property is going to be a very cohesive project for Mr. Slyman. Mr. Woodin said he doesn't want to see them maintain a commercial property on the frontage of this particular area. Mr. Woodin said that there are many empty businesses in that area.

Mr. Woodin said that this density for housing will help and add to the area. Mr. Woodin said that he is in favor of the rezoning.

The following spoke **AGAINST** the proposal.

No one

APPLEBEE'S NEIGHBORHOOD GRILL & BAR 35055 Maplegrove Rd.
(John Marquart)

**CUP -
SIs or SVC of
alcohol. bev. On-site
consump. w/p/use
C.O.1141.03(c)(17)
MS-B dist.**

The following spoke **FOR** the proposal.

Pat Eulberg, V.P. Real Estate
6200 Oak Tree Blvd.
Independence, Ohio 44131

Mr. Eulberg said that Apple American Group owns and operates 439 Applebee's around the country. They own Applebee's Ohio LLC who owns 38 Applebee's restaurants and Willoughby will be the 39th.

Mr. Eulberg said that alcohol represents less than 25% of their sales. Mr. Eulberg said that they don't consider themselves as a bar but as a grill and a bar and they are a restaurant first.

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Mr. Eulberg said the hours of operation are: 6:00 a.m. until 2:00 a.m. On weekends, Friday and Saturday, they will open at 11:00 a.m. and close at 1:00 a.m.

On Sunday thru Thursday they will close at midnight. Mr. Eulberg said that the reason they specified opening at 6:00 a.m. is because they have fund raisers on Saturday mornings for local groups.

Mr. Eulberg said that they have video terminals at the bar but they are not gambling machines. It is to pass the time waiting to be seated.

T.V.'s are located only in the bar. Mr. Eulberg said there will be 12 T.V.'s in the Willoughby restaurant.

The following spoke **AGAINST** the proposal.

No one

FRANK & TONY'S
(Angelo Gallo)
(Rob't Orovets)

38107 2ND St

**CUP -
Sls or SVC of
alcohol. bev. On-site
consump. w/p/use
C.O.1141.03(c)(17)
D-B dist.**

The following spoke **FOR** the proposal.

Angelo Gallo

4192 Amelia Ave.

Willoughby, Ohio 44094

Mr. Gallo said he has been Frank & Tony's owner since 2002. He did extensive renovations inside the building. He has a full menu of which 30% is food he has a large alcohol business. Mr. Gallo said that he currently does fund raisers and that is why he needs an addition for more room. On a typical Saturday he books about 200 people. He wants a second story consisting of a patio and bar/party room.

Robert Orovets, Architect

35299 Dorchester Rd.

Cleveland, Ohio 44040

Mr. Orovets said the second floor doesn't cover the entire length

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of the existing building. It is only half the size of the existing building which includes a patio.

The following spoke **AGAINST** the proposal.

Deanne Rowe

Homestead House B & B
38111 W. Spaulding St.
Willoughby, Ohio 44094

Ms. Rowe said she realizes that Frank & Tony's came to Willoughby before her B & B did. Ms. Rowe said that several years ago when Frank & Tony's added a patio she put in 1" thick sound proof windows and a special sound proof material in the walls of the building to abate the noise coming from Frank & Tony's to have a quieter atmosphere for her guests. Ms. Rowe said the insulation is bullet and bomb proof. Ms. Rowe presented a sample of the material.

Ms. Rowe said her concern is that if they increase the space it increases the noise.

David Neel, LLC

55 Public Sq.
Cleveland, Ohio 44113

Mr. Neel said that Frank and Tony's pride themselves in being a place where people can get "loaded". Mr. Neel said that from Frank and Tony's web site it announces that it is "a bar like you've never gotten wasted in before." Mr. Neel presented a flyer from the web site. Mr. Neel said the review of Police records indicate many calls from the Police department to Frank & Tony's for noise, bar fights and disorderly conduct. Mr. Neel said that if Planning Commission approves the plan and conditional use permit the noise will get worse.

The following spoke **IN REBUTTAL FOR** the proposal.

Angelo Gallo

4192 Amelia Ave.
Willoughby, Ohio 44094

Mr. Gallo said that children who grew up in Willoughby are now his customers at Frank & Tony's. Mr. Gallo said his daughter is the manager and tends the bar. Mr. Gallo also said his son works there.

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Mr. Gallo said a new residential building was just built next door to Frank and Tony's.

The following spoke **IN REBUTTAL AGAINST** the proposal.

Deanne Rowe

Homestead House B & B
38111 W. Spaulding St.
Willoughby, Ohio 44094

Ms. Rowe said she is concerned about the position of the proposed outside patio. She also is concerned about the bar. Ms. Rowe said the addition doesn't look like a party room it looks like a bar. When the windows are open the noise will double.

There being no further business the public hearing closed at 7:45 p.m.

A tape of this public hearing is available for review in the office of the Planning Commission Secretary.

Gerald Merhar, Vice Chairman

Betty A. Nardelli, Secretary