

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
REGULAR MEETING  
JULY 26, 2012  
MINUTES**

**PRESENT:** B. Fiala; G. Merhar; C. Cox; Ken Kary; B. Irvine,  
Chairman

**ABSENT:** No one

**OTHERS:** Mike Germano, Asst. Law Director; Jim Sayles, City  
Engr.; Janice Lipscomb, Econ. Devel. Mgr.; Police Chief  
Beckwith; Chris Woodin, Ward 1 Councilman; Jerry  
Ranally, Ward 3 Councilman; Bob Carr, Ward 4  
Councilman; Betty A. Nardelli, Secretary

**Chairman Robert Irvine called the regular meeting to order at  
7:00 p.m.**

**MINUTES**

**July 12, 2012**

The minutes of July 12, 2012 were approved as written.

**OLD BUSINESS**

A motion was made by Jerry Merhar and seconded by Chuck Cox  
to remove all old business from the agenda for discussion.

ROLL CALL: Yeas: B. Fiala; J. Merhar; C. Cox; K. Kary;  
B. Irvine  
Nays: None

**Motion Carried: APPROVED TO UNTABLE OLD BUSINESS**

|                         |              |                                  |
|-------------------------|--------------|----------------------------------|
| <b>WESTWOOD MEADOWS</b> | P.P.27B-52-1 | <b>Rezone G-B to RMF-LR</b>      |
| (Dave Novak)            | Hodgson Rd.  | 19.5733 acres                    |
| (Bo Knez)               |              | S/F using R-50 reg.<br>G-B dist. |

The Secretary received an e-mail from B.R. Knez Construction to  
remove this rezoning application from the agenda.

A motion was made by Jerry Merhar and seconded by Chuck Cox  
to remove this rezoning application from the agenda.

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ROLL CALL: Yeas: B. Fiala; J. Merhar; C. Cox; K. Kary;  
B. Irvine  
Nays: None

**Motion Carried: APPROVED TO REMOVE FROM THE AGENDA.**

**RENOVA GROUNDWORKS** 1796 Jos. Lloyd Pkwy **CUP**  
(C.J. Goryance) Construc. Trade  
Contractor fcilty  
L-I dist.

This business requires a fence for outside storage and an appeal was filed to the Board of Zoning Appeals for no fence and was told to withdraw his application and file an appeal for an 8' tall fence and the agent for the deceased owner of the property never filed that appeal and the time limit extending the time to act to 60 days for the conditional use permit will expire August 7, 2012. Mr. Goryance said the agent never returned his phone calls so he is going to move from this location to another location.

A motion was made by Jerry Merhar and seconded by Ken Kary to remove this conditional use permit from the agenda.

ROLL CALL: Yeas: B. Fiala; J. Merhar; C. Cox; K. Kary;  
B. Irvine  
Nays: None

**Motion Carried: APPROVED TO REMOVE FROM THE AGENDA.**

**CAPPELLI'S BANQUET/  
BILLY'S MARTINI BAR** 4077 Erie St. **CUP -**  
(Joe Myers) Banquet center /  
Restaurant / Bar /  
O/D patio - **Sls/SVC**  
**Alcohol on-prem. Consump.**  
C.O. 1145.03(c)(2)  
DT dist.

John Christie, Attorney for Linda Cappelli, represented this conditional use permit. A parking analysis and letters from DTW business owners were submitted. The parking analysis shows

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parking spaces were added. Mr. Christie said they addressed all the concerns from the last meeting.

Chairman Irvine read into the record letters from Congressman Steve LaTourette, Representative Lorrain Fende and a petition with 26 names in favor of the party center. Chairman Irvine also read into the record letters from The George Group, owners of Ballentine's and The Willoughby Brewing Co., and Mr. and Mrs. Dave Gromelski, owners of the former Gavi's restaurant, all opposed to the party center.

Mr. Christie said that Gavi's is no longer in business therefore they are not in opposition of the party center, they are deferring.

Chairman Irvine asked Lynn of Oxbow Engineering what the traffic impact analysis showed in terms of the level of service at the intersections of Glenn Ave. and Route 20. Lynn said that she did not do all the background detail like traffic counts. She did an analysis based on cars coming here.

Chairman Irvine asked Lynn if there was any difference between the traffic analysis of June and of July. Lynn said yes, that they added figures on the parking lot layout located by 5<sup>th</sup> 3<sup>rd</sup> bank and the path of the shuttle bus. Mr. Christie said the parking lot drawing shows 169 parking spaces. The traffic is limited to a 30 minute minimum window.

Chairman Irvine said that he asked for a traffic study and not hearsay. Mr. Christie said that there will be an increase in volume during the 30 minute window. Lynn said that they arrived at the 30 minute window from the owner in how the operation works in response to Chairman Irvine's question.

Mr. Christie said that he didn't know if the party center approval rests and falls on whether or not there's a traffic study. The Commission can take the information provided as well as common sense and experience and make a decision.

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Mr. Christie said that he didn't believe that the ordinance required a traffic study. Mr. Christie said he thinks that the information provided at the last meeting and today is more than enough information. Chairman Irvine said that per C.O. 1155.02 a traffic study is required. Chairman Irvine said that he requested a traffic study at the last meeting. Mr. Christie said that it wasn't their burden. Chairman Irvine said per C.O. 1155.02(k) it references C.O. 1161. Chairman Irvine said he asked for level of service at the intersection of Glenn Ave. and Route 20 for the peak hours and off hours. Lynn said that she did not determine that level. Chairman Irvine said that he wanted the number of trips from east to west, west to east and north to south. Lynn said she did not calculate that. Chairman Irvine asked Lynn if she determined the level of service for the alley from Route 20 to access one of the parking lots and from the parking lot to a side street. Lynn said she did not determine the level for these.

Chairman Irvine said that other applicants in the past have been asked for a traffic study and have provided it.

Bob Fiala said that the access drive at the lower parking lot level is not going to work. It is a 13% slope. The drive is too steep. Jim Sayles, City Engineer, said a drive could be installed there but it would have to be filled.

Linda Cappelli said that there is an agreement to purchase the property by 5<sup>th</sup> 3<sup>rd</sup> Bank, owned by USA Management, in response to Jerry Merhar's question.

Bob Fiala said that called John Wiles about four weeks ago regarding letters from Ms. Cappelli which preceded letters from Representative Fende and Congressman LaTourette, wanting to know what was meant by the statement "Party Centers are not permitted in DTW". Mr. Wiles said that Ms. Cappelli said she had a clear understanding that "Party Centers are not permitted". John Christie said he also talked to John Wiles and Mr. Wiles said

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it was up to the Commission to make that determination if the party center could go in DTW or not. Mr. Fiala asked John Christie if he agreed that party centers facing Erie St. are not permitted. Mr. Christie said he disagrees but it is not for him or Mr. Germano to say. Mr. Germano said that the Law Director provides an opinion to this Commission and the Commission considers that opinion and then makes a decision independent of that opinion and taking that opinion into account.

Mr. Christie said that what everyone thinks is immaterial. The Commission has the advice of counsel and can reach whatever decision they feel is appropriate given all the information in front of them.

Mr. Fiala said that his next comment is that he takes offense of the reference to a "vigilante group" in Ms. Cappelli's letter. Mr. Fiala said he doesn't know if it is a "vigilante group" but he finds this phrase highly inflammatory in his opinion.

Mr. Christie said that two letters were sent. One with an opinion and one from a business that is not there anymore taking an opinion. Mr. Christie said that the letters say what they say, the petition says what it says and he asks the Commission to make a decision based on that.

Mr. Fiala said that the petition and letters are based on inflammatory language and a questionable statement on the Law Director's opinion of the Law. Mr. Fiala said in his opinion this is highly susceptible.

Mr. Christie said that he can't sway the Commission's opinion one way or the other and asked for a vote and the Commission can make a decision the way they think best. Mr. Christie said "clean up and let's go".

Chairman asked for a motion.

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A motion was made by Jerry Merhar and seconded by Bob Fiala to approve the conditional use permit for Cappelli's Banquet Center and Billy's Martini Bar at 4077 Erie St.

ROLL CALL:       Yeas:       K. Kary  
                  Nays:        B. Fiala; J. Merhar; B. Irvine  
                  Abstain:   C. Cox

**Motion Carried:        DENIED**

**\*\*\*Chuck Cox said that the reason he abstained is that he needed more information. Mr. Cox said he didn't know they were here this evening for a vote. He thought there would be more discussion. Instead there was bantering back and forth. Chairman Irvine said the applicant asked the Commission to take action.\*\*\***

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|--|---------------|--|
| <b>CAPPELLI'S BANQUET/<br/>BILLY'S MARTINI BAR<br/>(Joe Myers)</b> | 4077 Erie St. | <b>Site plan /<br/>Traffic pattern/<br/>Parking/study<br/>D/T dist</b> |
|--|---------------|--|

A motion was made by Jerry Merhar and seconded by Bob Fiala to remove this proposal from the agenda

ROLL CALL:       Yeas:        B. Fiala; J. Merhar; K. Kary; C. Cox;  
                  Nays:        B. Irvine

**Motion Carried:        APPROVED TO REMOVE FROM AGENDA**

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

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Robert Irvine, Chairman

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Betty A. Nardelli, Secretary