

**PLANNING COMMISSION
CITY OF WILLOUGHBY
JANUARY 22, 2009
PUBLIC HEARING
MINUTES**

PRESENT: R. Hart; G. Merhar; C. Cox; B. Irvine, Chairman
ABSENT: B. Fiala
OTHERS: Mike Lucas, Ass't. Law Director; Betty A. Nardelli,
Secretary

Chairman Robert Irvine called the public hearing to order at 7:02 p.m.

The legal notice was read into the record for the following

D & S TAVERN DBA	38770 Lakeshore Blvd.	CUP
LAKESHORE LOUNGE		On-premises
(Dennis Bolz)		Beer/Wine
		sls/svc

O/D deck - music
Beer, Wine, food
R-B dist.

The following spoke **FOR** the proposal.

Dennis Bolz, owner
1099 Hayes Ave.
Willoughby, Ohio 44094

Mr. Bolz, Lakeshore Lounge owner, stated that the Lounge was granted a liquor license to include the outside front deck for service of alcohol. Mr. Bolz stated that he has served alcohol on the front deck for three years in response to Mr. Hart's question.

Mr. Bolz who has owned the lounge for eight years stated that he has no black marks from the police.

Mr. Bolz submitted a petition with 21 names of neighbors within 300 feet of the Lounge that support the conditional use permit. Mr. Bolz stated that the deck that seats fourteen, is for customers to sit outside to smoke and watch the traffic on Lakeshore Blvd. Mr. Bolz said that the "no smoking ban" went into effect after the deck was built.

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Mr. Bolz stated that the 20' X 45' fenced in patio, located in the rear yard of the property, is used for functions such as a pig roast or clam bake. Both the patio and deck have TV's outside.

Mr. Bolz said that there is no live music outside in response to Mr. Merhar's question. Mr. Bolz stated that there are no plans for live outside music. Mr. Bolz said that there are speakers mounted on the wall for the front deck and are connected to the jukebox inside the building in response to Mr. Cox's question. Mr. Merhar advised Mr. Bolz that Planning Commission discourages outside music unless it is dinner music. Mr. Bolz stated that the speakers face towards the street in response to Mr. Merhar's question. Mr. Merhar stated that he has a problem with the music because it tends to get out of control. Mrs. Bolz said that there is a volume control for the jukebox and it is located behind the bar. Mr. Merhar responded that when the owners are absent the hired help tend to increase the volume for the music.

Sharon Bolz, owner
1099 Hayes Ave.
Willoughby, Ohio 44094

Mrs. Bolz stated that she didn't know that she had to get a conditional use permit for the deck Mrs. Bolz said that she thought the "Ohio License" covered the deck.

Chris Woodin
940 Eaglewood
Willoughby, Ohio 44094

Mr. Woodin said that he received complaints about the Lounge when he had his Ward meeting. The biggest and only complaint was from women when they walked by the lounge with their kids after school. There would be comments to the women from men sitting on the deck. Mr. Woodin stated that he is against music on the front deck but he doesn't have a problem serving alcohol and food on the deck. Mr. Woodin thinks music will be fine for the rear patio. Mr. Woodin said that he thought that serving alcohol was to be limited to Friday, Saturday and Sunday and in plastic cups. Mr. Woodin said that he received no complaints about motorcycle nights and that he didn't see many "bikes" there in response to Mr. Merhar's question.

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Mr. Woodin stated that the Lounge customers are neither a young nor a loud crowd.

A **letter** was **submitted in support** of the **conditional use permit** to the Secretary for Chairman Irvine from David Zone of 38770 Lakeshore Blvd. A copy was made for all the Planning Commission members. Mr. Zone in the letter stated that he has no problem with the lounge or it's patrons. The patrons use his neighboring property for parking.

The following spoke **AGAINST** the proposal.

No One

A **letter** was **submitted against the conditional use permit** to the Secretary for Chairman Irvine from Clinton and Barbara Gill of 1017 Garden Rd. Copies were made for all the Planning Commission members. The Gill's stated in the letter that the Board of Zoning Appeals granted the Lounge a variance for the deck for use by patrons to smoke, use cell phones and relax. Mr. Bolz stated at that meeting that no drinks or food would be served on the deck or sound equipment would be used. The Gills stated in the letter that now it appears that Mr. Bolz is seeking permission to continue what he has been doing all along. The Gills cited in the letter that a wind breaker which is nonconforming to the new smoking laws, was installed on the deck for smokers.

The Gills further cited in their letter that pig roasts, bands and "bike" nights are held on the deck and patio.

Mrs. Bolz, in response to Chairman Irvine's question, stated that the deck railing is 42" high. The wind breaker is made of clear plastic. Mr. Bolz stated that there has to be 50% air flow for smoking areas per the Health Department. Mr. Bolz said that the clear plastic meets that 50%.

There being no further business or discussion the public hearing closed at 7:55 p.m.

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

Robert Irvine, Chairman

Betty A. Nardelli, Secretary