

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
APRIL 27, 2017  
REGULAR MEETING  
MINUTES**

**PRESENT:** R. Fiala; C. Cox; G. Merhar, Chairman

**ABSENT:** K. Kary

**OTHERS:** Mike Germano, Asst. Law Director; Jim Sayles, City Engineer;  
Janice Lipscomb, Community Development Manager;  
Darryl Keller, Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary

**Chairman Merhar called the regular meeting to order at 7:09 p.m.**

**MINUTES**

**Regular Meeting Minutes**

**April 13, 2017**

**Public Hearing Meeting Minutes**

**April 13, 2017**

**Work Session Meeting Minutes**

**April 11, 2017**

Mr. Cox read the regular meeting minutes and had some comments that do not pertain to amending of the minutes, but would like the Board to consider. The Willoughby-Eastlake school project is a massive project and will cost approximately \$120 million and involves many people and agencies. He would suggest that the Planning Commission suggest to the school board that they have an independent consultant come in to review the overall project. Chairman Merhar stated the Development Plan has already been approved by the Planning Commission and wondered if it was within the Board's purview. Mr. Germano stated that this statement has nothing to do with the approval of the previous meeting minutes. Chairman Merhar asked Mr. Sayles if the traffic study has been completed and Mr. Sayles replied no. Mr. Cox's concern was the amount of traffic with all of the children. He feels that an outside entity might be able to look objectively at the plan and suggest some improvements or state the plan is good the way it was approved. Mr. Fiala stated a peer review is not uncommon. Chairman Merhar asked Mr. Germano if the Board had the authority to send a letter to the school board suggesting that an independent consultant could be hired to review the plans. Mr. Germano stated under what authority as a Board; there is nothing before the Board that would allow you to ask that type of question. It would be different if there were plans before the Board. Mr. Germano stated there must be a motion made by the Board to send the letter to the school Board. Chairman Merhar stated the traffic study has not yet been approved. The approval of the overall Development Plan is contingent upon the City Engineer's approval of the traffic study. Mr. Sayles stated there are not enough members to vote on the motion to send the letter so it will be added to the next agenda as a discussion item.

Mr. Fiala moved to approve the Regular Meeting Minutes of April 13, 2017 as submitted and Mr. Cox seconded.

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ROLL CALL:        Yeas:        Mr. Fiala; Mr. Cox; Chairman Merhar  
                     Absent:      Mr. Kary  
                     Nays:        None

**Motion Carried:    APPROVED**

Mr. Cox moved to approve the Public Hearing Meeting Minutes of April 13, 2017 as submitted and Mr. Fiala seconded.

ROLL CALL:        Yeas:        Mr. Cox; Mr. Fiala; Chairman Merhar  
                     Absent:      Mr. Kary  
                     Nays:        None

**Motion Carried:    APPROVED**

Mr. Cox moved to approve the Work Session Meeting Minutes of April 11, 2017 as submitted and Mr. Fiala seconded.

ROLL CALL:        Yeas:        Mr. Fiala; Mr. Cox; Chairman Merhar  
                     Absent:      Mr. Kary  
                     Nays:        None

**Motion Carried:    APPROVED**

Mr. Cox moved to untable Old Business and Mr. Fiala seconded.

ROLL CALL:        Yeas:        Mr. Cox; Mr. Fiala; Chairman Merhar  
                     Absent:      Mr. Kary  
                     Nays:        None

**Motion Carried:    UNTABLED**

**OLD BUSINESS**

**Janice Lipscomb**  
(Community Development Manager)

**W/E Schools/Plat of Survey,  
Consolidation & Lot Split**

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Permanent Parcel Numbers:

27-A-029-00-001, 27-A-023-J-00-030-0, 27-A-J-00-031-0 & 27-A-023-J-00-032-0

Mr. Fiala moved to table this application per the request of Mrs. Lipscomb and Mr. Cox seconded.

ROLL CALL:        Yeas:            Mr. Fiala; Mr. Cox; Chairman Merhar  
                     Absent:          Mr. Kary  
                     Nays:            None

**Motion Carried:    TABLED**

**NEW BUSINESS**

**Erie Street Station**

4027 Erie Street

(Mr. Pat Hammond, Owner)

**Conditional Use Permit  
Restaurant/Tavern**

Mr. Hammond, Owner of Erie Street Station, 4027 Erie Street, Willoughby, Ohio is representing his application. Mr. Hammond stated they will run a very similar business to the previous restaurant/tavern. The north side interior of the building has a long bar which they intend to keep. They are renovating the interior of the building by painting, installing new flooring etc. They will have tables for dining in the bar area. On the south side of the interior building they are designing to be more of a family dining space. There will be alcohol service on both sides of the building and the outdoor back patio. There will be no bar on the outdoor patio, but would come back before the Board if in the future they decide to add one. The hours of operation will be 5:30 a.m. until 2:30 a.m., 7 days a week. They will start out by serving lunch and dinner and may eventually decide to serve breakfast. There will be no live entertainment. They will have a jukebox with speakers indoors, on the back outdoor patio and under the awning in the front exterior of the building that were there from the previous business. There was some discussion as to whether or not front outdoor speakers are permitted. Mr. Hammond stated he did not know if they were even operational. Chairman Merhar stated music must be at a conversational level for the outdoor patio. The front exterior speakers should be disconnected. Mr. Hammond stated he would remove the front exterior speakers. Chairman Merhar inquired as to where the dumpster is or will be located. Mr. Hammond stated they only have a grease dumpster. They will eventually contract to have a garbage dumpster. Chairman Merhar stated any dumpster must be screened or fenced; typically the fence is a board-on-board style. Mr. Hammond will check with the adjacent business to see where the previous owner had the existing dumpster. There will be no outdoor front dining for this establishment. There is currently a small bench which can remain for outdoor smoking. There was some discussion on the new menu and Mr. Hammond showed the Board a rendering of the new color scheme of the exterior of the building. Mr. Fiala stated music indoors can be played at whatever level you choose, but when the doors are open it must be at conversational level and Mr. Hammond agreed because also does not care for loud music.

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Mr. Fiala moved to approve the Conditional Use Permit for Erie Street Station, 4027 Erie Street with the following conditions:

- 1) Hours of operation are 5:30 a.m. until 2:30 a.m., 7 days a week
  - 2) No live entertainment; jukebox with speakers at conversational level
  - 3) Front speakers are not allowed and will be disassembled
  - 4) Any garbage dumpster(s) must be screened/fenced
- and Mr. Cox seconded.

ROLL CALL:        Yeas:            Mr. Cox; Mr. Fiala; Chairman Merhar  
                         Absent:         Mr. Kary  
                         Nays:            None

**Motion Carried:    APPROVED**

**Brim Kitchen & Brewery**  
3941 Erie St.  
(Mr. TJ Reagan, Managing Partner)

**Amend Conditional Use  
Permit**

Mr. TJ Reagan, Managing Partner of Brim Kitchen & Brewery, 3941 Erie Street, Willoughby, Ohio is representing his application. Mr. Reagan stated he is here this evening to amend his Conditional Use Permit to allow some limited acoustical events on their patio. He believes this is a key component for the success of their business. He explained to the Board that he is trying to find creative ideas to keep and attract customers 7 days a week, such as having a saxophone player indoors during brunch. The outdoor live music would never be more than a one or two piece acoustical band. They are generally not busy after midnight and is not concerned about noise at this time of the evening. He is requesting that the existing Conditional Use Permit be amended to allow limited acoustical music on the patio until midnight 7 days a week. Chairman Merhar asked at what volume will the music be played. Mr. Reagan stated the patio has a tall railing with ½” thick glass panes all the way around which he believes has acoustical value and will keep the music contained. He agreed with Mr. Greg Patt’s suggestion to allow the outdoor music for one year and then review it after that time period. Chairman Merhar stated his restaurant is in a sensitive area across from the apartments on Mentor Avenue. The music may carry across the valley and there may be complaint issues and volume levels will be extremely important. Mr. Reagan stated they want to be good neighbors and agreed to keep the music at conversational level. Mr. Fiala asked how acoustical music is defined and is it amplified. Mr. Reagan was unsure if this included an amplifier. He does not plan to have outdoor music often due to the fact they will have to remove tables and it would affect their business. He wants to analyze their business and see if it is a good decision first. Mr. Fiala explained that the city is in the midst of updating their Zoning Code and will include music until 10:00 p.m. except for Thursday, Friday and Saturday; those nights until midnight. He asked Mr. Reagan if that would work for him and he stated yes. Mr. Fiala stated he prefers the acoustical music to be at conversational level and Mr. Reagan agreed.

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Chairman Merhar reiterated to Mr. Reagan that this amendment will be for one year only and he will need to come back before the Board and he agreed. Mr. Fiala explained that if the Zoning Code changes pass then he will be in compliance with the current code.

Mr. Cox moved to approve the application of Harbor Inn Partnership LLC (Brim Kitchen & Brewery) to amend their Conditional Use Permit to allow live acoustical entertainment on the second floor patio area at conversational level, weeknights until 10:00 p.m., Thursday, Friday and Saturday until midnight. This amendment will terminate one year from the date of issuance and Mr. Fiala seconded.

ROLL CALL:           Yeas:           Mr. Fiala; Mr. Cox; Chairman Merhar  
                          Absent:       Mr. Kary  
                          Nays:         None

**Motion Carried:    APPROVED**

**Glenbury III Subdivision**  
(Rep. Dusty Keeney, Polaris Engineering & Surveying)

**Amended Plat and  
Improvement Plan**

Mr. Dusty Keeney of Polaris Engineering & Surveying, 34600 Chardon Road, Willoughby Hills is representing the Glenbury III Subdivision application. Mr. Kenney stated that the subdivision was previously approved by the Planning Commission. Recently in a preconstruction meeting with Mr. Sayles there was discussion on utilities and moving of the sanitary sewer system. On the previous plan the six lots were going to have individual bores under the existing street to connect to the sanitary sewer on the opposite side. It was decided to make one bore on their side of the street so they did not have all those long connections. Along with this change to keep the water and sanitary apart the sanitary sewer is right up along the right-of-way line. Mr. Sayles suggested that Polaris widen the utility easement and include the city in the easement. There are no changes to property lines or lots. Chairman Merhar asked if they are easing more property to the city. Mr. Sayles explained that every subdivision has a utility easement for the Illuminating Company, AT&T, Dominion or Orwell and it is 12' wide, but the utility companies say if the city wants to have utilities that utilize that easement it needs to be 15' wide. This is the change from the plat that was originally approved. The current easement is 12' wide and will now be 15' wide for the six homes. Mr. Fiala asked if they need to replat this once it's approved. Mr. Sayles responded that it was never filed because it never got to Council for approval.

Mr. Fiala moved to accept the revised plat for Glenbury Crossing Phase III and Mr. Cox seconded.

ROLL CALL:           Yeas:           Mr. Fiala; Mr. Cox; Chairman Merhar  
                          Absent:       Mr. Kary  
                          Nays:         None

**Motion Carried:    APPROVED**

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**DISCUSSION**

There was an impromptu discussion with Mr. Angelo Gallo, 4126 Amelia Avenue, Willoughby, Ohio owner of Garage Bar Willoughby. Mr. Gallo gave handouts to the Board with Plan "A" and Plan "B". Plan "A" was the original approved plan for the outdoor patio. Since the plan was approved Mr. Gallo acquired the building next door and behind the tavern. Instead of building a structure for the patio he would just like to keep it an open flat concrete patio. It is the same footprint and there will be no electrical. Mr. Fiala asked Mr. Germano since Mr. Gallo acquired the additional property does the existing CUP stand or does he need to come back before the Board. Mr. Germano stated he needs to come back before the board. It is a different address and parcel. Mr. Fiala stated he will need to get on the agenda to extend into the other building.

There being no further business the regular meeting closed at 7:57 p.m.



Gerald Merhar, Chairman



Vicki Grinstead, Secretary