

**PLANNING COMMISSION  
CITY OF WILLOUGHBY  
MAY 11, 2017  
PUBLIC HEARING  
MINUTES**

**PRESENT:** C. Cox; K. Kary; Wade Mitchell; G. Merhar, Chairman

**ABSENT:** R. Fiala

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

**Chairman Merhar called the public hearing to order at 7:01 p.m.**

**Willoughby Brewing Company**  
4057 Erie St.  
(Jeremy Van Horn)

**Amend Conditional Use Permit**

The legal notice was read into record by Mrs. Grinstead.

Chairman Merhar asked if there was anyone that would like to speak in favor for the proposal.

The following spoke **FOR** the proposal:

**Jeremy VanHorn**  
**Willoughby Brewing Company**  
4057 Erie St.  
Willoughby, OH 44094

Mr. Jeremy VanHorn of Willoughby Brewing Company, 987 Elmwood Dr., Willoughby, Ohio is representing the Willoughby Brewing Company. Mr. VanHorn stated he would like to extend his Conditional Use Permit to 1:30 a.m. They have indoor entertainment every weekend on Fridays and Saturdays including live bands. Some patrons do not care for the live music and would like to have a separate area outside where people can congregate.

Chairman Merhar asked if there was anyone else in favor of the proposal that would like to speak and there was no one.

Chairman Merhar asked if there was anyone that would like to speak in opposition of the proposal.

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The following spoke in **OPPOSITION** of the proposal:

**Maureen Gregory  
38227 Wilson Ave.  
Willoughby, OH 44094**

Ms. Gregory stated she is in opposition to the Conditional Use Permit. She believes having outdoor music until 1:30 a.m. on Friday and Saturday evenings is an imposition on the people who live in the neighborhood. Even though they are in the downtown area the surrounding neighborhoods can hear the music. Events such as the rib cook-off are a one weekend event and the neighbors do not mind because it is a city sponsored event and is good for the community. The outdoor music for these types of events they do not mind, but having to listen to outdoor music every weekend is not fair to the surrounding residents.

**Mark Gerber  
4176 Clark Ave.  
Willoughby, OH 44094**

Mr. Gerber is in opposition to the Conditional Use amendment. He believes outdoor music should be curtailed at 10:00 p.m. There are a lot of patios in downtown and can imagine if this granted and having all of these businesses coming in to ask for the same consideration of music until 1:30 a.m. Even if the music is quiet or instrumental it is still being play outdoors and the sound still carries. He also believes the other nearby businesses would not appreciate the music being allowed until 1:30 a.m. and that 10:00 p.m. is a more reasonable time to shut the music down or close the doors and windows. He also does not mind the occasional community type events such as the rib cook-off etc.

**Judy Widren  
38235 Wilson  
Willoughby, OH 44094**

Ms. Widren agrees with Mr. Gerber and supports the growth in Willoughby, but as a resident with children she believes an earlier cut-off time would be more appropriate. She also agrees that if they "open the gate" for one business then the precedent has been set for other business to expect the same consideration. She also supports the special events in the city.

**Greg Patt  
38005 Brown Ave.  
Willoughby, OH 44094**

Mr. Patt stated it has been a concern of the Council and the Planning Commission that outdoor music is too loud and carries throughout some of the surrounding neighborhoods. He is also here as a member of the Downtown Willoughby Organization Board. They are trying to come to a consensus that everyone can live with as far as outdoor music, but have some type of restrictions. There has been some discussion about the different ways to measure the sound levels, but have been difficult to enforce or interrupt. Once they have

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come up with a workable policy then the downtown restaurants/bars that have permanent Conditional Use Permits (CUP) can voluntarily come in and change their CUPs in accordance with this new policy. He suggested for this amendment that the music be at conversational level and to add a one year expiration date. If the restaurants cooperate and there are no issues then consider extending the expiration dates to one, two or three year expiration dates. He suggests the Board do away with permanent CUPs for restaurants/bars and go to expiration dates. Mr. Patt agrees with the other residents that he would like the music to cease at 10:00 p.m. during the week and go until midnight on Friday and Saturday.

Chairman Merhar asked if there was anyone in opposition of the proposal that would like to speak and there was no one.

Chairman Merhar asked if there was anyone in rebuttal of the proposal that would like to speak.

The following spoke **IN FAVOR** for the proposal **IN REBUTTAL**:

**Jeremy VanHorn, Owner/President  
Willoughby Brewing Company  
4057 Erie St.  
Willoughby, OH 44094**

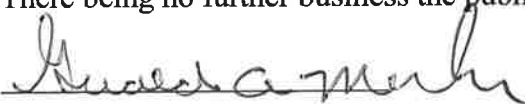
Mr. Jeremy VanHorn of Willoughby Brewing Company, 987 Elmwood Dr., Willoughby, Ohio is representing the Willoughby Brewing Company. Mr. VanHorn has been with Willoughby Brewing Company since they opened. He has also been with two other downtown restaurant/bar establishments prior to owning the Willoughby Brewing and has been in downtown Willoughby for ten years. Mr. VanHorn understands the concerns and has been on both sides of these issues. The way his company is moving forward, conversational level music is key to their success. They are just asking to use two existing 8" speakers on their enclosed patio and one 10" speaker outside. The same music that is played on the indoor dining area speakers would be played on the outdoor speakers as well.

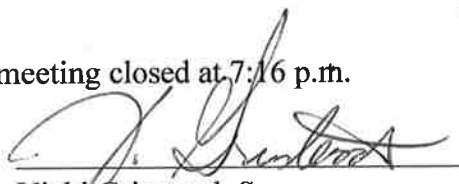
Chairman Merhar asked if there was anyone in rebuttal of the proposal that would like to speak and there was no one.

Chairman Merhar read into record a letter sent to the Planning Commission by board member Bob Fiala who was not present at the meeting (letter attached).

Chairman Merhar asked if there was anyone in rebuttal in regard to the letter from Mr. Fiala that would like to speak and there was no one.

There being no further business the public hearing meeting closed at 7:16 p.m.

  
Gerald Merhar, Chairman

  
Vicki Grinstead, Secretary