

**PLANNING COMMISSION
CITY OF WILLOUGHBY
AUGUST 10, 2017
REGULAR MEETING
MINUTES**

PRESENT: R. Fiala; C. Cox; K. Kary, Vice Chairman

ABSENT: Wade Mitchell; G. Merhar, Chairman

OTHERS: Darryl Keller, Chief Bldg. & Zoning Official; Michael Germano, Asst. Law Director;
Vicki Grinstead, Secretary

Vice Chairman Kary called the regular meeting to order at 7:15 p.m.

MINUTES

Regular Meeting Minutes

July 27, 2017

Mr. Cox moved to approve the Regular Meeting Minutes of July 27, 2017 as submitted and Mr. Fiala seconded.

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

Motion Carried: APPROVED

NEW BUSINESS

**Frank and Tony's
38107 Second St.
(Angelo Gallo, Owner)**

**Amend current Conditional
Use Permit**

Mr. Gallo would like to maintain the current status of his CUP and would like to include live music on the patio. He would like what is being proposed for the future ordinance, so he will not have to come back before the Board. In addition to the new code with Thursday, Friday and Saturday until midnight, he would like to include Tuesday until midnight. He is not opposed to having it for a probationary period.

Mr. Fiala reiterated what the proposed code contains is live music during the week until 10:00 p.m., and Thursday-Saturday until midnight and no DJs. Mr. Gallo stated this will be on his existing patio that is very well contained. He wants to keep what is on his current CUP; outside dinner music with a volume control is allowed until 11:00 p.m. but would like to add an amendment. Mr. Kary clarified that live music is not a band, it is acoustical; a single performer or possibly two people that are playing music at a conversational level. Mrs. Grinstead asked if his music is currently played on a juke box and piped outside

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to his patio and Mr. Gallo stated yes. She would assume that is what the current CUP is referring to and Mr. Germano agreed. Mr. Kary would like live music defined. Mr. Fiala stated that if there is a three piece band, the music can be amplified but still must be at conversational level, so that people can still talk and hear each other. Mr. Gallo stated he has a very small patio and his intention is not to have a large band. He just wants to compete with what is working for other downtown businesses.

Mr. Fiala asked if there was any green space between the patio and the sidewalk on the Second Street side and Mr. Gallo stated there is not, the patio abuts the city sidewalk. Mr. Gallo stated there are bushes and a guard shack on the parking lot side.

Mr. Gallo stated Ms. Rowe never mentioned any noise issues in regard to music from Frank and Tony's only patron issues. Mr. Fiala and Mr. Kary both stated they would be in favor of granting Mr. Gallo what the future ordinance will be, which will allow live music Sunday-Wednesday until 10:00 p.m. and Thursday-Saturday until midnight, but are not comfortable with modifying one day (Tuesday). Mr. Fiala stated that people are violating their CUPs and that is why the city is working so hard to build a code that everyone can agree on. There was more discussion on this subject. Mr. Fiala explained that the whole purpose of implementing this code is to level the playing field, so that are the businesses are treated equally. There was some discussion on the future of the zoning code changes.

Mrs. Grinstead read back what will be the CUP amendment for Frank and Tony's: *Amendment: Allow live acoustical music on outdoor patio at conversational level, weekdays until 10:00 p.m. and Thursday, Friday and Saturday until midnight. This amendment shall terminate one year from the date of issuance, which is today (terminates 8-10-18). Mr. Germano clarified that just the live music amendment terminates in one year and Mr. Gallo will have to come back before the Board and reapply for the live music portion.

Mr. Kary would like it to read Sunday through Wednesday until 10:00 p.m. instead of weekdays and Thursday through Saturday until midnight.

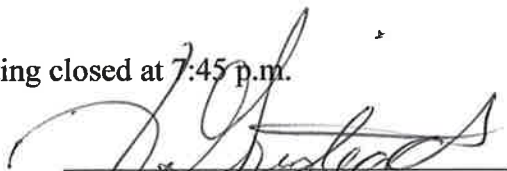
Mr. Fiala moved to approve the amended CUP which the secretary read into record which includes: *Amendment: Allow live acoustical music on outdoor patio at conversational level, Sunday through Wednesday until 10:00 p.m. and Thursday through Saturday until midnight. This amendment shall terminate one year from the date of issuance, (terminates 8-10-18) for Frank and Tony's, 38107 Second St. and Mr. Cox seconded.

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

Motion Carried: APPROVED

There being no further business the regular meeting closed at 7:45 p.m.


Ken Kary, Vice Chairman


Vicki Grinstead, Secretary