

**PLANNING COMMISSION
CITY OF WILLOUGHBY
SEPTEMBER 14, 2017
REGULAR MEETING
MINUTES**

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

ABSENT: R. Fiala

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

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

MINUTES

Public Hearing Meeting Minutes

August 10, 2017

Regular Meeting Minutes

August 10, 2017

Regular Meeting Minutes

August 24, 2017

There was not a quorum to vote on Public Hearing Meeting Minutes or the Regular Meeting Minutes for August 10, 2017.

Mr. Mitchell moved to approve the Regular Meeting Minutes for August 24, 2017 as submitted and Mr. Cox seconded.

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

Motion Carried: APPROVED

OLD BUSINESS

1899 Pub

New Conditional Use Permit

38228 Glenn Ave.

(Greg Brown, Owner/Kevin Brennan, Esq.)

Chairman Merhar explained that a Conditional Use Permit (CUP) sets the perimeters under which a business can operate and if these perimeters are now followed the CUP can be revoked.

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Kevin Brennan, Esq., 1330 Old River Road, Cleveland, OH 44113 and Greg Brown, Owner, 36550 Jackson Rd., Chagrin Falls, OH 44022 are representing the 1899 Pub.

Kevin Brennan stated 1899 is open from 11:00 a.m. until 2:30 a.m. 7 days a week. Chairman Merhar asked where the dumpster is located. Mr. Brown stated the dumpster is located behind the adjacent building and is not fenced but is not visible from the street.

Mr. Brennan stated the original CUP from the previous owner allowed for music on the patio and they would like to have it as well. There was some discussion on the current noise levels at 1899.

Chairman Merhar explained that the Board typically allows outdoor entertainment on CUPs on certain days of the week, which are Thursday, Friday and Saturday evenings. Any other exterior music would have minor amplification or be at conversational level.

Mr. Brown stated he has acoustic guitar players that play during dinner from 7:00 p.m. until 10:00 or 11:00 p.m. on Fridays and an occasional Saturday. They would like the live music on Thursday, Friday and Saturday from 5:00 p.m. until 11:00 p.m. Chairman Merhar reiterated this would be for conversational level acoustic guitar, no live bands and singing. He explained about the proposed ordinance for outdoor entertainment.

Mr. Kary stated the Board should put a one year termination for the outdoor entertainment on the CUP until the new city ordinances are in place and Chairman Merhar agreed. Mr. Brennan stated if the Board preferred to leave out Thursday and grant Friday and Saturday only they will agree to that. The music portion of the CUP will terminate one year from the date of issuance.

Mr. Mitchell asked if they will have piped in music on the outdoor patio 7 days a week and Mr. Brown stated yes. Mr. Brennan stated they would like to hours for the piped in music on the outdoor patio to be from 4:00 p.m. until 11:00 p.m. Mr. Kary stated the proposed ordinance states we allow outdoor music Sunday through Wednesday only until 10:00 p.m. and Mr. Brown agreed with these hours. Chairman Merhar stated they can have loud music indoors but they must keep doors and windows shut.

Mr. Mitchell raised the question of hours of operation for days such as St. Patrick's Day. Mr. Brennan stated the Board of Liquor Control allows hours to be 5:30 a.m. until 2:30 a.m. Mr. Brown stated he would like to amend his hours of operation to 5:30 a.m. until 2:30 a.m. 7 days a week.

Ms. Landgraf reiterated that the outdoor music portion of the CUP will terminate in one year and the applicant will have to reapply at that time and Mr. Brennan agreed.

Mr. Kary asked if there will be an outdoor bar and outdoor cooking on the patio. Mr. Brennan stated on the old non-applicable CUP there was a provision for outdoor cooking for special community events. Mrs. Grinstead asked if he would like this as one of the conditions on the new CUP and Mr. Brennan stated yes. There was discussion of approvals/regulation with cooking on the outdoor patio. Ms. Landgraf suggested adding the verbiage "in accordance with the Ohio Fire Code, the Willoughby Fire Code or inspection and any Health Department requirements".

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Chairman Merhar asked if there will be alcohol service outside and Mr. Brennan stated yes there is a bar outside. There is food service inside and the patrons can consume their meals on the outdoor patio.

Mrs. Grinstead read the conditions agreed upon for the CUP for 1899:

1. Hours of operation:
5:30 a.m. until 2:30 a.m./7 Days a week
2. Dumpster is located behind adjacent building and must not be visible from the road.
3. *Live acoustical music on outdoor patio will be at conversation level and is allowed Friday and Saturdays from 5:00 p.m. until 11:00 p.m. Piped in music is allowed Sunday through Thursday at conversational level from 4:00 p.m. until 10:00 p.m.
4. Cooking outside is limited to special community events in accordance with the Ohio Fire Code, Willoughby Fire Code or Inspection and any Lake County Health Department requirements.
5. Outside food service and consumption is allowed on outdoor patio.
6. Outside alcoholic beverage service and consumption is allowed on the outdoor patio and to comply with state liquor regulations.
**Note: Number 3- Live acoustical music and piped in music on outdoor patio. This condition of the CUP shall terminate one year from issuance (terminates September 14, 2018).*

Mr. Mitchell moved to approve the new Conditional Use Permit for the 1899 Pub as stated by Board Secretary Vicki Grinstead and Mr. Kary seconded.

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

Motion Carried: APPROVED

Ballantine's
4113 Erie St.
(Greg Brown, Owner/Kevin Brennan, Esq.)

Amend Current Conditional

Mr. Brennan stated they would like to add the amendment of having piped in conversational level music on their outdoor patio. Chairman Merhar stated the music condition of the CUP would terminate in one year. The piped in music would be allowed Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturdays from 11:00 a.m. until 11:00 p.m. No live music is permitted on outdoor patio.

Mr. Mitchell moved to approve the amended Conditional Use Permit for Ballantine's as follows: piped in music is allowed Sunday through Thursday from 11:00 a.m. until 10:00 p.m. and Friday and Saturdays from 11:00 a.m. until 11:00 p.m. on the outdoor patio. No live music is permitted. This amendment for

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outdoor music will terminate one year from the date of issuance (terminates 9/14/18) and Mr. Kary seconded.

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

Motion Carried: APPROVED

NEW BUSINESS

None

DISCUSSION

B.R.Knez Construction, Inc.
7555 Fedle Dr./Suite #210
(Rep.-Gillian Hall, Esq.)

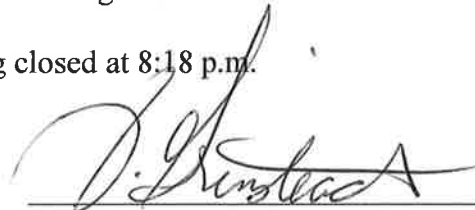
**New Zoning Code for
Fee Simple Townhomes
for Shepherd's Glen**

Ms. Gillian Hall, Esq. of Triban Investment, LLC, 7555 Fedle Dr./Suite #210, Concord, OH 44077 is working with Dan Siegal, the owner of the vacant property in the Shepherd Glen development as well as the condominium board. The entire property is currently dedicated to condominium ownership. Ms. Hall presented the Board with packets. They would like to modify the buildings to (2) three unit buildings as opposed to one 6 unit building. There are more restrictions on condominiums then in the past and this has inflated the construction costs. She also said that end units are more desirable to the consumer. She went on to explain that fee simple townhomes make it easier for the contractor to obtain constructions loans and for homeowner's to obtain mortgage loans.

The current Homeowner's Association would also like their units converted to fee simple homes as well. The homeowners and the Board are in favor of this venture. The issue they have is that the Willoughby Zoning Code does not allow these types of homes in this district and there was some discussion on this subject. Ms. Hall explained her packets to the Board. Mr. Cox gave some background on the previous condominium project in Shepherd's Glen. There was discussion on the downside to fee simple townhomes with HOA's. There was discussion on how the new HOA would operate and when the zoning changes/amendments would be changed and if these changes would be beneficial to the city.

There being no further business the regular meeting closed at 8:18 p.m.


Gerald Merhar, Chairman


Vicki Grinstead, Secretary