

**PLANNING COMMISSION
CITY OF WILLOUGHBY
FEBRUARY 13, 2020
PUBLIC HEARING
MINUTES**

PRESENT: S. Norris; C. Cox; K. Kary; M. Wildermuth, Chairman

ABSENT: J. McCue

OTHERS: Michael Lucas, Law Director; Jim Sayles, City Engineer;
Darryl Keller, Chief Bldg. & Zoning Official; Vicki Grinstead, Secretary

Chairman Wildermuth called the public hearing to order at 7:05 p.m.

Chairman Wildermuth explained the nature of the Public Hearings. The legal notice was read into record by Mrs. Grinstead.

Chairman Wildermuth asked if there was anyone that would like to speak in favor of the proposal:

**Westel's Alibi & Hush
Thomas Gerbic, Owner
4084 Erie St.
Willoughby, OH 44094**

Mr. Gerbic said they are proposing to run a restaurant/bar. They are asking to have use of the outdoor patio with times to clean up before and after.

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

Chairman Wildermuth asked if there was anyone that would like to speak in opposition:

**Berns, Ockner & Greenberg
Majeed Makhlof, Esq.
3733 Park E Dr./ #200
Cleveland, OH 44122**

Mr. Makhlof said he is representing the property owner at 4082 Erie St. He said also present are David Cooper and Brian Sacs, principles of the property owner. He said they are in opposition of the application and asks the Commission to deny it. He said the applicant has no standing to be before the Commission. He said they did not give the applicant consent to file for a Conditional Use Permit. He said they tried to negotiate a lease with them and could not reach an agreement.

He said one of the issues is they have is eighteen families live above this property. He said that Corks was a very quiet wine bar, but now it would be a restaurant and bar without any limitations on the hours of operation and conditions that there will be no live bands, so they were unable to reach an agreement.


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He said if you refer to the management document they submitted (Exhibit "A") they represent themselves as the agent for the tenant (Corks). This agreement is only for the liquor permit and automatically terminates upon the issuance of the transfer of the liquor permit. It does not give them any rights to the property to file an application with the Commission to seek this Conditional Use Permit. They believe this should not proceed any further.

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

The Public Hearing was closed at 7:11 p.m.



Mike Wildermuth, Chairman

Vicki Grinstead, Secretary