

**WICKLIFFE PLANNING COMMISSION**  
**March 5, 2009**

Chairman McGraw called the meeting to order at 7:30 p.m..

PRESENT: Bochenek, Grasser, Margalis, McGraw, Building Commissioner Raymond F. Sack, Jr., City Engineer Formica, Lt. Douglas M. Leovic, Assistant Prosecutor A. J. Stempuzis.

EXCUSED: Yohe

**3. Rick Turner for BP Products**, request for 10 x 12 foot shed, located at 30502 Lakeland Blvd., in an Industrial District.

Mr. Sack's letter of March 5, 2009 is attached, noting the color of shed shall match the existing buildings. Mr. Formica's City Engineer's Review Comments dated March 5, 2009 is attached, with his comment concerning existing pavement condition, areas of cracking, with a recommendation for base repair of the severely cracked areas, a complete grind and overlay recommended in the future, once base repair are performed. Lt. Leovic's Certificate of Review dated January 23, 2008 is attached, referencing the proposed 10 x 12' shed, with his comments.

A.J. Stempuzis administered the oath to Joe Platten, of R.J. Platten Contracting Company, representing BP Products, 18059 State Road, Hinckley, Ohio. He presented a photo of a similar shed installed at a BP Station in Parma. The door on the shed is a full locking handle door, not a hasp. The shed has a full floor. It will be used for advertising signs, excess equipment, etc. BP has also agreed to do any patching required in the lot.

Mr. Sack said this installation of the proposed project will have to go through the County for its approval. Councilman Margalis said it appears that one of the ADA parking spaces may need to be removed. There will be two (2) handicapped spaces and 18 regular spaces. There are a sufficient number of spaces shown on the plan.

Chairman McGraw called for a motion; so moved by Mr. Grasser that the request by Rick Turner for BP Products for a 10 x 12' shed, located at 30502 Lakeland Blvd., in an Industrial District, as indicated on Sheet 1 of 1 dated 02/20/1997, received by the City 02/23/2009, be approved, with the following conditions:

- 1) Signage and striping for the ADA handicapped spaces be done according to current ADA standards. We will provide a markup to Mr. Sack that shows the locations.
- 2) Site total proposed parking be corrected to read 20 spaces total, with 16 required.
- 3) Inclusion of Lt. Leovic's General Comments, Nos. 1 and 2, in his Certificate of Review letter dated January 23, 2008 (**2009**), regarding use of the structure and what is permitted and not permitted.

- 4) Mr. Sack's mention with regard to this Item No. 4 on the Agenda: 1. "Color of the shed shall match the existing building/s" in his letter dated March 5, 2009 attached.
- 5) City Engineer's Review Comments in his letter dated March 5, 2009 attached, that the existing lot have the areas of alligator cracking repaired and the entire lot resealed, as per Mr. Formica's recommendations.

Seconded by Councilman Margalis.

Roll Call, Ayes: Bochenek, Grasser, Margalis, McGraw  
Nays: None. Motion carried and approved.

**4. Ed Lud Kovacich**, request for lot split, located at 2142 Country Club Drive, in the City of Wickliffe.

Mr. Sack's letter of March 5, 2009 is attached, indicating proposed lot split is in compliance with Section 1309.32 of the City Code. City Engineer's Review Comments dated March 5, 2009 is attached, indicating the plat and legal descriptions have been review and checked for closure and are acceptable.

A. J. Stempuzis administered the oath to Mr. Ed Lud Kovacich, 2147 Garden Drive, Wickliffe, who summarized that he wants to extend his lot he is living on. The residual piece is on Garden Drive.

Chairman McGraw called for a motion; so moved by Councilman Margalis that the request for a lot split by Ed Lud Kovacich, located at 2142 Country Club Drive be approved, as shown on the legal description and drawing dated January 27, 2009, and that the Chairman be authorized to sign the deed "NO PLAT REQUIRED". Seconded by Mr. Grasser.

Roll Call, Ayes: Bochenek, Grasser, Margalis, McGraw  
Nays: None. Motion carried and approved.

**5. Michael DelBalso for Barrel Room Winery**, located at 28932 Euclid Avenue, Wickliffe, in a General Business District. This item was tabled in the November 6, 2008 meeting of the Wickliffe Planning Commission.

Chairman McGraw called for a motion to remove this Item from the table; so moved by Councilman Margalis that this Item be removed from the Table the request by Michael DelBalso for The Barrel Room Winery that was tabled at the November 6, 2008 meeting; seconded by Ms. Bochenek.

Roll Call, Ayes: Bochenek, Grasser, Margalis, McGraw  
Nays: None. Motion carried and approved to be brought back to the Table.

Mr. Sack's letter of March 5, 2009 is attached, with two comments: 1) Parking lot needs a full overlay and compliance with ADA Signage; and, 2) Outside music/bands creating a nuisance to adjoining residential areas shall be prohibited unless a solution is found to minimize the noise. If not, you shall cease having any outside music/bands, until this item is resolved. Mr. Sack also referenced Chief of Police Randy E. Ice's letter dated March 5, 2009 attached, regarding noise issue. Chairman McGraw also noted letters from neighboring businesses pertinent to parking from the following: Power Tran Automotive (no date), Finest Lines Tattoo Studio dated 12/02/2008, Fifth Third Bank dated 01/26/2009.

Mr. Formica's City Engineer Review Comments dated March 5, 2009 is attached indicating two (2) points regarding condition of the lot: The resubmitted plan "SP" is a duplicate of the previously submitted plan. The applicant has added a plan showing parking spaces at Fifth Third Bank and letters from Power Tran and Finest Lines Tattoos giving permission to utilize their parking lots. A letter was submitted depicting the applicant's plan to address the live bank noise issue. (See attached to Mr. Sack from Mike Del Balso dated 02/26/2009). 1) The original Planning Commission approval of July 6, 2006 stipulated a 1-1/2" asphalt overlay of the parking area including base repairs. Currently, base repairs have been performed and the submitted plan states the existing lot is to be sealed and striped. This is not what was originally directed. The plan calls for the lot to be sealed and striped. 2) The note regarding existing concrete walk being inspected and replaced as directed shall also pertain to the walk along Euclid Avenue. 3) The E. 289<sup>th</sup> Street right-of-way width is 22.75 feet, not 24 feet as shown on the plan. 4) The total parking required value is 75, not 74 as shown on the plan. 5) The parking provided summary is estimated to be the numbers of parking spaces with estimates recalculated by Mr. Formica, as shown.

Lt. Leovic's comments stated in his letter for the November 6, 2008 meeting still apply.

A.J. Stempuzis administered the oath to the following individuals who spoke: Joe DelBalso, 8375 Morley Road, Concord, Ohio, Michael DelBalso, 7968 Augusta Lane, Concord, Ohio; and, Pete Colarochio, 5213 Karen Isle, Willoughby, Ohio.

Joe DelBalso noted the agreements with the neighboring businesses (see letters attached) regarding parking, ample to accommodated patrons both inside and outside at full capacity. Also, they would like to find a resolution regarding the issue of noise, suggesting the option of a sound meter to monitor decibel levels. Police Chief Randy Ice's letter of 03/05/2009 notes his opposition to a sound meter. Mr. DelBalso asked for an alternative suggestion. Chairman McGraw commented that the responding police officer has to deal with any particular situation with regard to a call from a resident pertaining to noise level issues. The bands have been reposition to the south end of the outdoor patio, now facing north to Euclid Avenue. The bands stop playing at 10:30 p.m., Fridays or Saturdays, primarily.

Councilman Margalis noted that this Item was on the November 2008 Agenda as a request for a Conditional Use Permit, with advertisement and notification to adjacent property owners. Since this did not occur at this meeting he said he was concerned that those same people were not notified of this meeting. Secondly, the applicant is also coming before the Commission for parking plan approval. The reason for the Conditional Use is because the applicant wants to

conduct business outside. Mr. Grasser concurred and suggested “tabling” this Item and turning the meeting into a “work session”, with comments and suggestions. Chairman McGraw said the Agenda would need to be amended by motion and stipulated as a “work session” with no final votes taken, but just a discussion.

Chairman McGraw called for a motion; so moved by Councilman Margalis the request by Michael DelBalso for The Barrel Room Winery, Conditional Use Permit for Tabled Agenda: Parking and outdoor bands on Patio and Pavilion, located at 28932 Euclid Avenue, be Tabled; seconded by Ms. Bochenek.

Roll Call, Ayes: Bochenek, Grasser, Margalis, McGraw  
Nays: None. Motion carried. Item No. 5 Tabled.

Mr. Grasser then moved that the Agenda be modified to take Item No. 5 under consideration as a “work session”; seconded by Councilman Margalis.

Roll Call, Ayes: Bochenek, Grasser, Margalis, McGraw  
Nays: None. Motion carried and approved.

**Work Session:** In summary, Mr. Grasser said the primary issue is the sound, inquiring about a sound deadening material to be installed along the backside of the south wall of the fence. Mr. Joe DelBalso said they were considering that method. Landscaping was also discussed for the front entrance near Euclid Avenue. Mr. DelBalso said landscaping is planned for E. 289<sup>th</sup> and at the corner of the food mart. Councilman Margalis said the two main issues are the parking and sound issues. Lengthy discussion followed regarding this matter. Councilman Margalis cited City Ordinance 1313.23 (1966), concerning Permitted Buildings and Uses in a General Business District, specifically relating to keeping noise within an enclosed building. An attempt should be made to confine the noise within the premises. He commented that no other business in the City of Wickliffe has an outside band or music. Valet/Customer parking was suggested as a solution to parking issues, especially with regard to non-availability of parking on the Istra Club property. Mr. Sack suggested hiring a professional sound engineer to assist with compliance and stressed that if there is a band outside and a call is made regarding the noise, someone will get ticketed. He also specified that plans must be presented three (3) weeks prior to the next monthly meeting on the first Thursday of the month with regard to the request for a Conditional Use Permit. Mr. Grasser suggested modifying the site plan with current ideas for sound, etc. Mr. Michael DelBalso asked for cooperation with the city regarding sound level as to what is acceptable or not. He agrees that loud music is not acceptable. Chairman McGraw commented that loud noise outside is not acceptable and not a right to do.

Chairman McGraw called for a motion to open the meeting for audience participation; so moved Councilman Margalis to open the audience participation; seconded by Ms. Bochenek. Mr. Raymond Fuerst, 28876 Alton Road, Wickliffe, a resident of 30 years, asked the applicant, if this was going on in their neighborhood in Concord would they put up with it? He said the noise is so loud he does not know how the patrons can communicate with each other, the noise covering a 3-block area, in his opinion. Councilman Margalis cited the City Ordinance mentioned above

and that an applicant must come to the Planning Commission for a Conditional Use Permit to conduct its business outside. Councilman Margalis further commented on off site parking.

**6. Building Commissioner.** Mr. Sack said the approximate 10.8 acres: Ponderosa, U Bar, Wickliffe Floral will be demolished sometime in April. Wickliffe Floral business will eventually occupy the Denny's property in Wickliffe. The car wash building will remain. There are plans for the canopy at the Clark gas station to come down.

**11. Approval of January 8, 2009 meeting minutes.** Mr. Grasser moved for approval; seconded by Councilman Margalis.

Roll Call, Ayes: Grasser, Margalis, McGraw  
Abstain: Bochenek. Minutes approved "AS READ".

**12) Adjournment.** So moved by Councilman Margolis; seconded by Ms. Bochenek.

Roll Call, Ayes: Bochenek, Grasser, Margalis, McGraw  
Nays: None. Meeting adjourned at 9:00 p.m.

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Patrick D. McGraw, Chairman

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Carol A. Zofchak, Secretary