

MINUTES
(Audio recording is available)
PLANNING COMMISSION
MARCH 5, 2015
LAKWOOD CITY HALL

PRE-REVIEW MEETING
6:30 P.M.
LOWER CONFERENCE ROOM

Review docket items

REGULAR MEETING
7:00 P.M.
AUDITORIUM

The meeting was called to order at 7:05 p.m.

1. Roll Call

MEMBERS PRESENT

Kyle Baker
Hannah Belsito
William Gaydos
Louis McMahon
Patrick Metzger
Mark Papke
Mark Stockman

OTHERS PRESENT

Bryce Sylvester, Commission Secretary, City Planner
Jennifer Mladek, Assistant Law Director

The introduction and Oath of Office was administered to Kyle G. Baker, the newly appointed full term member to the Planning Commission.

2. Approve the Minutes of the February 5, 2015 meeting

A motion was made by Mr. McMahon, seconded by Mr. Papke to **APPROVE** the minutes of the February 5, 2015 meeting. Ms. Belsito, Mr. Gaydos, Mr. McMahon, Mr. Metzger and Mr. Papke voting yea, Mr. Baker and Mr. Stockman voting to abstaining, the motion passed.

3. Opening Remarks

The reading of the Opening Remarks was waived.

**NEW BUSINESS
COMMUNICATION**

4. **Docket No. 03-05-15**
Regarding Rezoning of the properties located at 1600 and 1604 Robinwood Avenue
Lakewood High School

At its meeting in January 5, 2015, Lakewood City Council referred an application for rezoning for the above two properties to be rezoned from R1H (Single Family, High Density) to C4 (Commercial, Public School) for the construction of the new west wing of the high school. City Planner Bryce Sylvester will present the proposed changes to the Zoning Map of the City to the Commission members for their consideration. (Page 3)

Bryce Sylvester, City Planner described the proposed site plan. Brad Gellert, URS was present to answer technical questions.

No one from the public addressed the issue.

A motion was made by Mr. Gaydos, seconded by Mr. Stockman to **GRANT** the request for rezoning as proposed. All of the members voting yea, the motion passed.

LOT CONSOLIDATION

5. **Docket No. 03-06-15**
14100 Franklin Boulevard
Lakewood High School

Jim Reitenbach, Executive Director, Lakewood City Schools, applicant, requests the review and approval of a lot consolidation for permanent parcel numbers 314-11-011, 314-11-022 thru 314-11-035, 314-11-037 thru 314-11-052, 314-12-039, and 314-12-040, pursuant to Section 1155-06 - Procedures for Lot Consolidations and Resubdivisions. The property is located in a C-4, Commercial and Public School District. (Page 4)

Bryce Sylvester, City Planner was present to explain the request.

No one from the public addressed the issue.

A motion was made by Mr. Papke, seconded by Mr. McMahon to **GRANT** the request as presented. All of the members voting yea, the motion passed.

CONDITIONAL USE

6. **Docket No. 03-07-15**
12215 Clifton Boulevard
AIY Properties, Inc.

Dominic Audino, AIY Properties, Inc., applicant, requests the review and approval of a Conditional Use permit to operate a leasing office for approximately 700 apartment units owned and managed in Lakewood, pursuant to Section 1161-03 – Supplemental Regulations for Specific Uses. The property is located in an MH, Multi-Family and High Density district. (Page 24)

Bryce Sylvester, City Planner opened the item with some remarks. Tim Isoniemi was present to explain the request.

The Commission thought by making it a Planned Development, the issue would be resolved. Mr. Sylvester said that Planning and Development and the Law Department would work on the language and logistics. Then it would be presented to City Council.

No one from the public addressed the issue.

A motion was made by Mr. McMahon seconded by Mr. Gaydos to **TABLE** the item. All of the members voting yea, the motion passed.

OLD BUSINESS

ORDINANCE REVIEW

- 7. **Docket No. 01-01-15**
Ordinance Review Regarding Zone Code Chapter 1161.03(t) Outdoor/Seasonal Dining Facility

At its meeting in December 2014, the Planning Commission requested the Department of Planning and Development to look into potential changes to Chapter 1161.03(t) Outdoor/Seasonal Dining Facility to allow dining facilities on private property to operate year round. Project Specialist Jason will present proposed changes to the Commission members for their consideration. This item was deferred from the February 5, 2015 meeting. (Page 30)

Bryce Sylvester, City Planner was present to explain the revisions.

No one from the public addressed the issue.

A motion was made by Mr. McMahon, seconded by Ms. Belsito to **GRANT** the item and recommend that City Council passes it. All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. Papke, seconded by Ms. Belsito to **ADJOURN** the meeting at 7:45 p.m. All of the members voting yea, the motion passed.



 Signature
on behalf of Mark Stockman

April 2, 2015

 Date



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. Brad Gellert
2. TIM ISONIEMI
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

1. Brad Gellert
2. [Signature]
3. _____
4. _____
5. _____
6. _____
7. _____
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9. _____
10. _____
11. _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

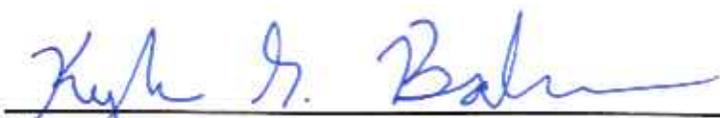
Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: March 5, 2015

OATH OF OFFICE

I, Kyle G. Baker, being first duly sworn according to law, upon my oath depose and say:

That I will support the Constitution of the United States and the State of Ohio, and the Charter and Ordinances of the City of Lakewood and will faithfully discharge the duties of the Planning Commission of the City of Lakewood, Ohio so help me God.


Signature

3-5-2015
Date

ORDINANCE NO.

BY:

AN ORDINANCE to amend Section 1161.03(t), Supplemental Regulations for Specific Uses, of the Codified Ordinances of the City of Lakewood to allow outdoor dining year round where the patio is located fully on private property.

WHEREAS,

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1131.03(t), Supplemental Regulations for Specific Users, of the Codified Ordinances of the City of Lakewood currently reading as follows:

1161.03 Supplemental Regulations for Specific Uses

...

(t) Outdoor/Seasonal Dining Facility. Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, M1 and M2 Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

(1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/Seasonal Dining Facility design shall be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/Seasonal Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/Seasonal Dining Facility conditional use permit shall include the following items:

A. A completed and signed Outdoor/Seasonal Dining Facility conditional use permit application form;

B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;

C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;

D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;

E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;

F. A detailed description of the type of food and beverage served at the establishment;

G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;

H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and

I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

(2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use with a valid food vendor's license and be directly under Applicant's control. The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

(3) The floor space of the Outdoor/Seasonal Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material.

(4) The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.

(5) The Outdoor/Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards.

(6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/Seasonal Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Director, Building Commissioner, Police Chief and Fire Chief.

(7) The total number of seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.

(8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:

A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved

by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. The Outdoor/Seasonal Dining Facility must be enclosed with a sturdy barrier in compliance with the Building Code, the ADA, the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed.

C. The entrance to the Outdoor/Seasonal Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination.

D. Food Service, as defined in Section 1103.02 of this Code, shall be offered at all times when alcoholic beverages are served in the Outdoor/Seasonal Dining Facility.

E. Applicants shall not permit customers to carry alcoholic beverages from the Outdoor/Seasonal Dining Facility to any place outside the Outdoor/Seasonal Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.

(9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:

A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. A barrier on some or all sides of the Outdoor/Seasonal Dining Facility may be required. The Planning Commission will make a determination as to the extent and location of a barrier necessary for the Outdoor/Seasonal Dining Facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines.

(10) The Outdoor/Seasonal Dining Facility must have adequate illumination during evening hours in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties.

(11) Buffering with landscaping or fencing of the Outdoor/Seasonal Dining Facility, if the facility is adjacent to residential or sensitive uses, may be required. Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.

(12) An Outdoor/Seasonal Dining Facility need not require additional off-street parking unless the Planning Commission determines otherwise, or unless the Outdoor/Seasonal Dining Facility creates an overflow parking problem on adjacent public streets. Should a parking problem arise due to the Outdoor/Seasonal Dining Facility, the Director shall require the Applicant to make provisions for sufficient off-street parking on nearby non-residential properties.

(13) Furniture and enclosures located within the Outdoor/Seasonal Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way between October 31 and March 31. All furniture and fixtures used in an Outdoor/Seasonal Dining Facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way and may only remain in the public right-of-way outside hours of operation with prior approval of the Planning Commission.

(14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas.

(15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/Seasonal Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood.

(16) The Outdoor/Seasonal Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.

(17) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/Seasonal Dining Facility in order to ensure pedestrian safety and a retail-friendly atmosphere.

(18) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/Seasonal Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit. The conditional use permit for an Outdoor/Seasonal Dining Facility is non-transferable.

(19) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/Seasonal Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon 30 days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has 5 business days to remove any portion of the Outdoor/Seasonal Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor/Seasonal Dining Facility.

...
Shall be and is hereby amended to read as follows:

1161.03 Supplemental Regulations for Specific Uses
...

(f) **Outdoor/Seasonal Dining Facility.** Any person operating a restaurant, bar, tavern, or nightclub use (as used in this section, a "Restaurant Use") in the C1 Office, C2 Retail, C3 General Business, C4 Public School, ML and MH Multiple-Family Residential, PD Planned Development or I Industrial District (as used in this section, and together with any successors or assigns, an "Applicant") may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following:

(1) Upon the Applicant's application, filed with the Director of Planning (as used in this section, the "Director"), the Outdoor/Seasonal Dining Facility design shall be reviewed and approved by the Architectural Board of Review pursuant to Chapter 1325 of the Building Code. The Outdoor/Seasonal Dining Facility should be attractive and in accordance with the Architectural Board of Review's Outdoor Dining Design Guidelines and should promote pedestrian safety and a retail friendly atmosphere. The Applicant must comply with all applicable city, state and federal laws and regulations at all times. Applications for the Outdoor/Seasonal Dining Facility conditional use permit shall include the following items:

A. A completed and signed Outdoor/Seasonal Dining Facility conditional use permit application form;

B. A written description of the proposal and photographs of the area to be occupied by the proposed outdoor dining area;

C. A detailed, labeled and scaled site plan and elevations of the location of the outdoor dining area, number and arrangement of tables and chairs, barriers, means of ingress and egress, sidewalk, above-ground utilities and any other sidewalk obstruction, parking and planter areas;

D. Manufacturer's information and cut sheets on all proposed tables, chairs, barriers, lighting and accessory furniture;

E. A signed statement by the owner of the building confirming the ownership of the building and, if the owner is not the Applicant, granting permission to the Applicant to pursue the conditional use permit;

F. A detailed description of the type of food and beverage served at the establishment;

G. When applicable, a copy of the Applicant's liquor permit and any other documentation giving the Applicant permission to serve alcohol;

H. Copies of all required Cuyahoga County Board of Health documentation necessary to operate the facility; and

I. Any additional documents reasonably deemed necessary by the Director.

Incomplete applications or applications deemed insufficient by the Director will not be accepted for review.

(2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use **with a valid food vendor's license and be directly under Applicant's control and primarily used for dining.** The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

(3) The floor space of the Outdoor/Seasonal Dining Facility and any walkway connecting such facility with the Restaurant Use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material.

(4) The Applicant must keep the Outdoor/Seasonal Dining Facility sanitary, neat and clean at all times, free from accumulation of food, litter, snow, ice and other potentially dangerous or unsanitary matter.

(5) The Outdoor/Seasonal Dining Facility must be in compliance with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for 5 feet of continuous pedestrian access along the public sidewalk free from all obstruction, and must not create any pedestrian hazards.

(6) An Applicant whose Restaurant Use is at an intersection of public streets shall not locate the Outdoor/Seasonal Dining Facility in a manner that will impede vehicular sight distance at that intersection. Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Director, Building Commissioner, Police Chief and Fire Chief.

(7) The total number of seats for the Outdoor/Seasonal Dining Facility shall not exceed 25% of the maximum number of previously approved indoor seats for the Restaurant Use. The final number of seats for the Outdoor/Seasonal Dining Facility will be determined by the Planning Commission upon review of the amount of space available, the ADA and the Building Code.

(8) Applicants who serve alcoholic beverages as part of their Restaurant Use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:

A. Where an Outdoor/Seasonal Dining Facility or any portion of an Outdoor/Seasonal Dining Facility is located on public property, the owner of the facility shall sign a Use of Public Property Agreement approved by the Director of Law that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the Outdoor/Seasonal Dining Facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the Outdoor/Seasonal Dining Facility conditional use by the Planning Commission, the Director is authorized to enter into the Use of Public Property Agreement on behalf of the City.

B. The Outdoor/Seasonal Dining Facility must be enclosed with a sturdy barrier in compliance with the Building Code, the ADA, the Outdoor Dining Design Guidelines and any additional directives of the Chief of Police. Said barrier shall not be less than 36 inches in height and shall clearly designate the area where food and/or beverages shall be permitted to be served and consumed.

C. The entrance to the Outdoor/Seasonal Dining Facility must be easily recognizable and adjacent to or as close to a publicly used door of the Restaurant Use as is commercially practicable in the Planning Commission's determination.

D. Food Service, as defined in Section 1103.02 of this Code, shall be offered at all times when alcoholic beverages are served in the Outdoor/Seasonal Dining Facility.

E. Applicants shall not permit customers to carry alcoholic beverages from the Outdoor/Seasonal Dining Facility to any place outside the Outdoor/Seasonal Dining Facility except the adjacent Restaurant Use, and the facility shall be designed in a way so as to maintain compliance with this provision.

(9) Applicants who do not serve alcoholic beverages as part of their Restaurant Use must meet the following standards:

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(13) Furniture and enclosures located within the Outdoor/Seasonal Dining Facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way between October 31 and March 31. All furniture and fixtures used in an Outdoor/Seasonal Dining Facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way and may only remain in the public right-of-way outside hours of operation with prior approval of the Planning Commission.

(14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round unless otherwise conditionally restricted upon approval of by the Planning Commission. The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. The Planning Commission may temporarily extend the hours and dates of operation of any Outdoor/Seasonal Dining Facility where the Outdoor/Seasonal Dining Facility is located within the footprint of a special event that is either sponsored by the City or permitted under the Codified Ordinances.

(15) Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an Outdoor/Seasonal Dining Facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions

and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood.

(16) The Outdoor/Seasonal Dining Facility shall comply with the requirements of the state smoking and tobacco use laws.

(17) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any Outdoor/Seasonal Dining Facility in order to ensure pedestrian safety and a retail-friendly atmosphere.

(18) Notwithstanding anything in this Chapter or Section to the contrary, any Outdoor/Seasonal Dining Facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire 12 months from the date of issuance. Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined. Determination of renewal status is at the discretion of the Director. Renewal applications must be submitted in writing at least 30 days prior to expiration of permit. The conditional use permit for an Outdoor/Seasonal Dining Facility is non-transferable.

(19) Notwithstanding anything in this Chapter or Section to the contrary, any conditional use permit granted for the Outdoor/Seasonal Dining Facility may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing. Notice of such hearing shall be sent to the Applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a Use of Public Property Agreement upon 30 days' written notice. Once a notice of cancellation of the Use of Public Property Agreement has been issued, the owner of the restaurant has 5 business days to remove any portion of the Outdoor/Seasonal Dining Facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the Outdoor/Seasonal Dining Facility.

Section 2. The Director of Planning and Development is hereby authorized and directed to make the reclassification change on the zoning map of the City of Lakewood, Ohio, in order to reflect the amendment designated in Section 1 of this ordinance.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: _____

PRESIDENT

CLERK OF COUNCIL

Approved: _____

MAYOR



Planning Commission

March 2015

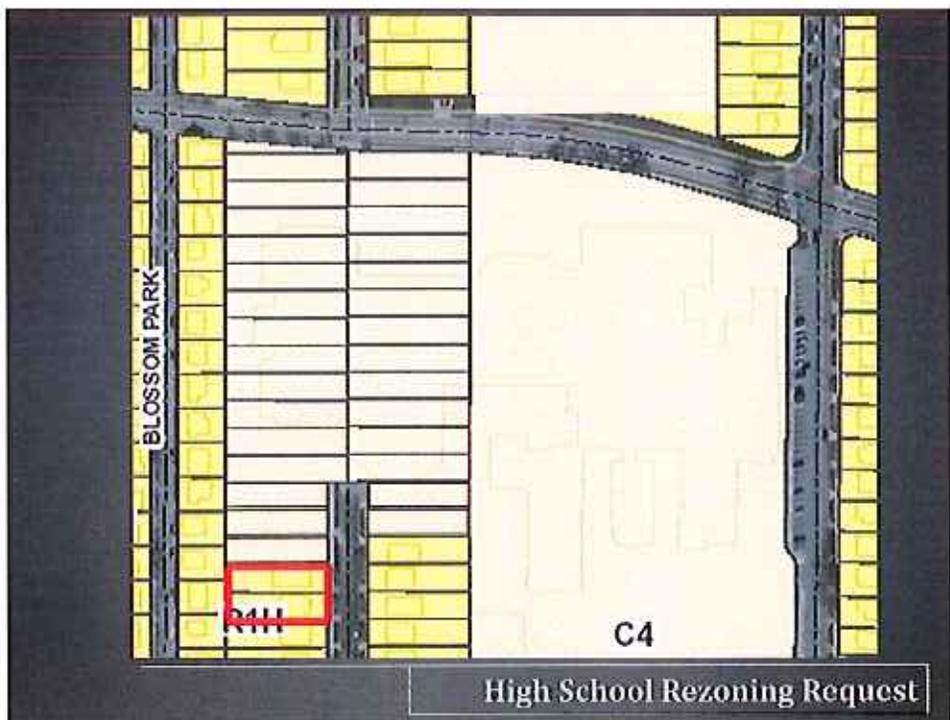


Rezoning Request: Lakewood High School

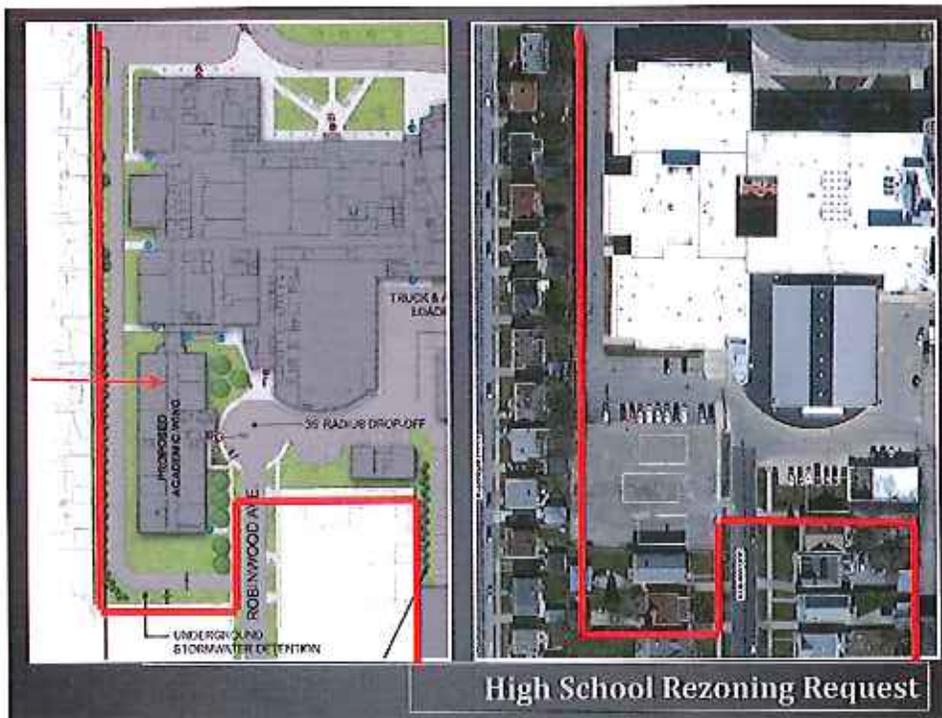
City of Lakewood

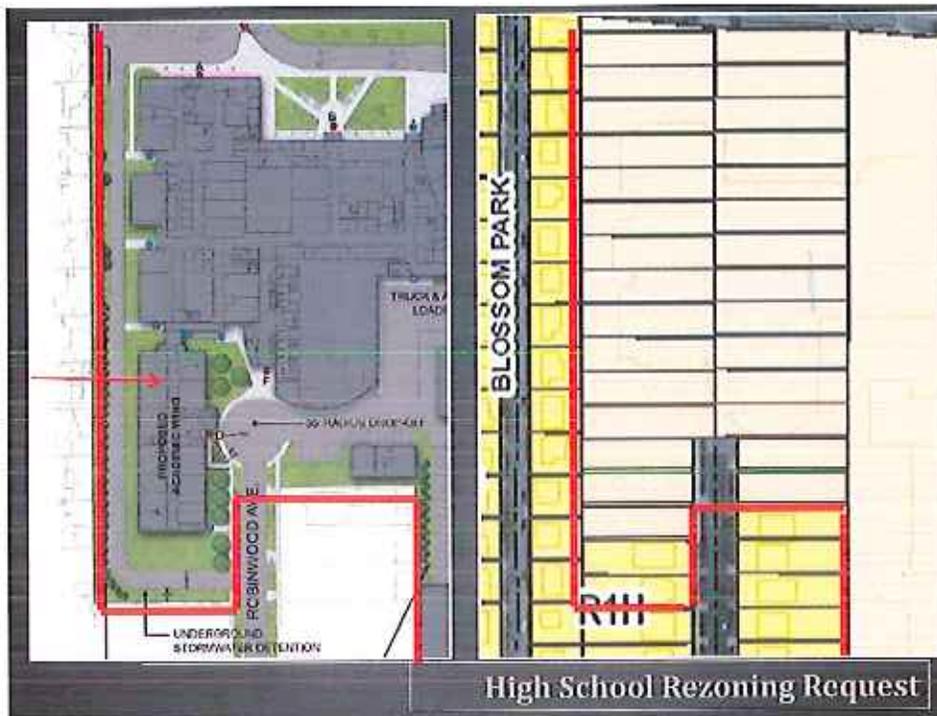












Best Practices in Rezoning

- Requested rezoning should be consistent with long range land use plans adopted by the appropriate governing body
- To rectify an error or oversight in the original zoning of the property
- To reflect a change in the conditions in the vicinity of the property which prevent the reasonable use of the property as currently zoned

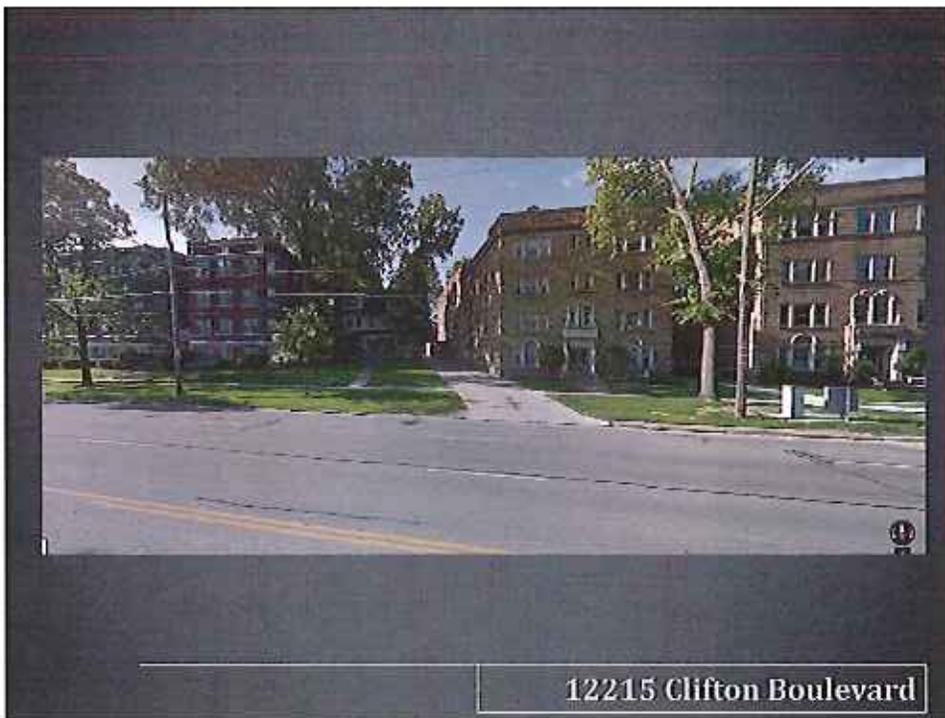
Spot Zoning

- "... the process of singling out a small parcel of land for a use classification different and inconsistent with that of the surrounding area, for the benefit of the owner of such property and to the detriment of the rights of other property owners."

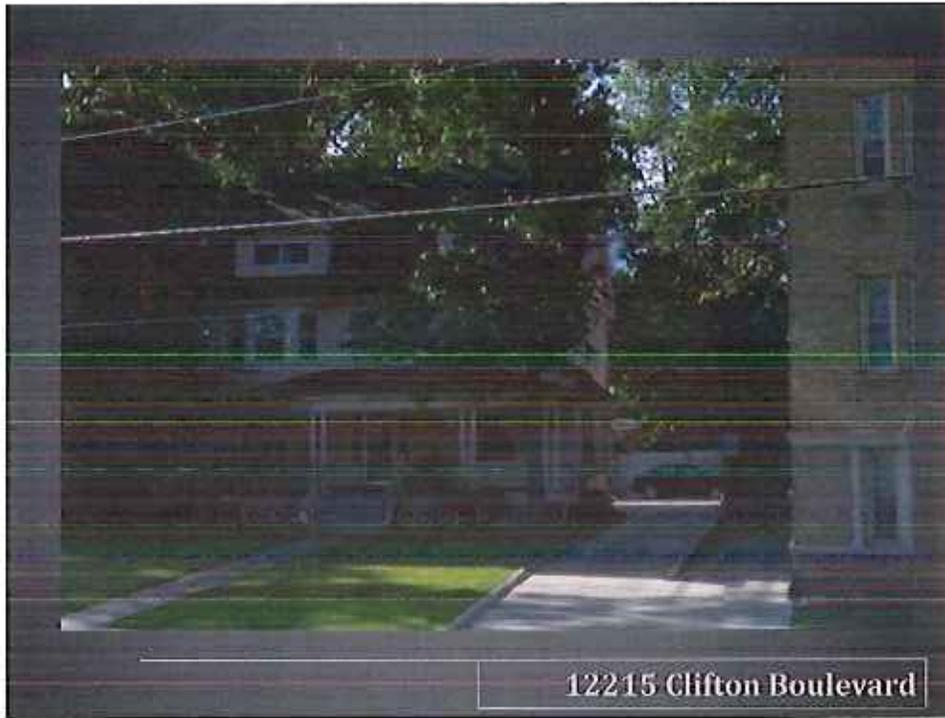
High School Rezoning Request



12215 Clifton Boulevard



12215 Clifton Boulevard



12215 Clifton Boulevard



12215 Clifton Boulevard



Review Outdoor Dining Ordinance

City of Lakewood



1161.03 Supplemental Regulations for Specific Uses

- (1) Outdoor/Seasonal Dining Facility...
- (2) The Outdoor/Seasonal Dining Facility shall be located directly adjacent to the lawfully operating Restaurant Use ~~with a valid food vendor's license and be directly under Applicant's control~~ and primarily used for dining. The Outdoor/Seasonal Dining Facility may be located immediately adjacent to the front of the Restaurant Use, on the side or rear of the Restaurant Use or as approved by the Planning Commission.

12215 Clifton Boulevard

1161.03 Supplemental Regulations for Specific Uses

(t) Outdoor/Seasonal Dining Facility...

(14) An Outdoor/Seasonal Dining Facility shall operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, only between the months of April through and inclusive of October. Where the Outdoor/Seasonal Dining Facility is located entirely on private property, it may be permitted to operate year-round **unless otherwise conditionally restricted** upon approval of **by** the Planning Commission.

12215 Clifton Boulevard



Planning Commission

March 2015

LAKWOOD
OHIO