

MINUTES
(Audio recording is available)
PLANNING COMMISSION
MAY 5, 2016
LAKEWOOD 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 7:00 p.m.

1. Roll Call

MEMBERS PRESENT

Kyle Baker
Hannah Belsito
Glenn Coyne
William Gaydos, Vice Chairman

OTHERS PRESENT

Jason Russell, Planner and Acting Board Secretary
Michelle Nochta, Planning and Development
Jennifer Swallow, Assistant Law Director

A motion was made by Mr. Gaydos, seconded by Ms. Belsito to **EXCUSE** the absences of Louis McMahon, Patrick Metzger, and Mark Papke. All of the members voting yea, the motion passed.

2. Approve the Minutes of the April 7, 2016 meeting

A motion was made by Mr. Baker, seconded by Mr. Gaydos to **DEFER** approval of the April 7, 2016 minutes **until the meeting of June 2, 2016**, as there was not a quorum; two members were going to abstain because they were absent in April. All of the members voting yea, the motion passed.

3. Opening Remarks

Mr. Russell read the Opening Remarks.

OLD BUSINESS

LOT SPLIT

4. **Docket No. 04-08-16**
11714 Nelson Court
EDEN - Emerald Development + Economic Network, Inc.

Leopold E. Wetula, applicant requests the review and approval of a lot split (PPN 315-14-039), pursuant to section 1155.07(c) – procedures for lot splits. The property is located in an R2, single and Two Family district. (Page 4)

Mr. Russell advised the Commission that the applicant had requested a deferral until the meeting of June 2, 2016.

A motion was made by Ms. Belsito, seconded by Mr. Coyne to **DEFER** the request **until the meeting of June 2, 2016**. All of the members voting yea, the motion passed.

NEW BUSINESS CONDITIONAL USE

5. Docket No. 05-09-16 13603 Madison Avenue YUZU

David Bumba, YUZU, applicant, requests the review and approval of a conditional use permit for Outdoor Seasonal Dining to reopen the patio with no changes from the previous approved tenant's plan, pursuant to sections 1129.02 – principal and conditional permitted uses, 1161.03(t)(8) – supplemental regulations for specific uses and 1173.02 – conditional use permits. The property is located in a C3, Commercial and General Business district. (Page 18)

David Bumba, YUZU, applicant was present to explain the request.

The Commission asked if Mr. Bumba was aware of the history with the former establishment, Bonnie and Clyde's. Mr. Bumba said he was; he would adhere to Lakewood's permitted hours, and smoking would not be allowed on the patio. The outdoor speakers had been removed, landscaping was planned for the future, entrance to the patio was through the bar.

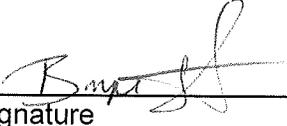
Public comment was closed as there was no one to speak to the matter. Mr. Russell said the applicant would not have to appear before the Architectural Board of Review as items had been approved previously. If changes were to be made, then he would have to appear. The request was for 20 seats which was slightly more than the allowable 25% of indoor seating capacity, and advised the Commission that they could allow it.

There was no further discussion by the Commission other than to have no objection to 20 seats.

A motion was made by Mr. Baker, seconded by Ms. Belsito to **APPROVE** the request **with the stipulation the hours are until 10:00 p.m. Sunday through Thursday, and 1:00 a.m. Friday and Saturday**. All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Ms. Belsito, seconded by Mr. Coyne to **ADJOURN** the meeting at 7:15 p.m. All of the members voting yea, the motion passed.



Signature
Bryce Sylvester, Secretary

6-8-16

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. DAVID BUMBA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

[Signature]

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: Thursday, May 5, 2016



CITY OF LAKEWOOD
 DIVISION OF BUILDING INSPECTION
Certificate of Use and Occupancy

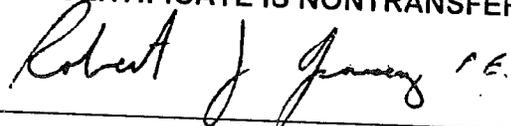
Location: **13603 MADISON AVENUE**
 Zoning District: **C-3** Type of Construction: **3B** New: **NO** Existing: **YES**
 Change of Use: **NO** Use Group: **A-2** Owner Occupied: **N/A**
 Automatic Sprinkler System Installed: **NO** Required: **NO**
 Demand at base of Riser: **N/A**
 Hazard Classification for which sprinkler system was designed: **N/A**
 Ohio Building Code edition on which plan approval was issued: **N/A**

Issued to: **BONNIE LEWANDOWSKI (Tenant)** Phone: **440-250-1950**
 Address: **13603 MADISON AVENUE, LAKEWOOD, OHIO 44107**
 dba: **BONNIE AND CLYDES** Phone: **216-789-0790**

No. of Dwelling Units: **0** No. of Retail Units: **0** Other: **ASSEMBLY**
 Parking Required: **YES** Parking Available: **YES** Garage Spaces: **NO** Open Spaces: **YES**

Date Issued: **October 13, 2010, by DAK**

- CONDITIONS:
- 1) Completion of violations cited in correction notice dated 9/21/10 by 11/6/10.
 - 2) Cellar for incidental storage only.
 - 3) Occupancy limited to 56.
 - 4) Patio occupancy is limited to 14 people.

THIS CERTIFICATE IS NONTRANSFERABLE

 Building Official

Issued pursuant to Lakewood Zoning Code Sec. 1173.01, et. seq. and Section 111 of the O.B.C. in compliance with Chapters 3781 and 3791 of the Ohio Revised Code.

This certificate shall be posted in a conspicuous place upon the premises.

City of Lakewood Planning Commission

May 5, 2016

TO: Planning Commission

FROM: Jason Russell
Secretary, Planning Commission

RE: **Docket No. 05-09-16**
13603 Madison Avenue

Description: David Bumba, applicant, requests a conditional use permit to operate an outdoor dining facility at Yuzu.

Code Section	Section Description	Notes
1129.13	<p>Supplemental Regulations for Outdoor/Seasonal Dining Facility</p> <p><i>(b) A conditionally permitted outdoor/seasonal dining facility shall comply with the following regulations and those for conditional uses set forth in Chapter 1161.</i></p> <p><i>(1) Outdoor/seasonal dining is used in conjunction with, and is under the same management and exclusive control of, a restaurant, bar, tavern or nightclub located on the same or contiguous property;</i></p> <p><i>(2) The outside seating capacity shall not exceed twenty-five percent (25%) of the restaurant, bar, tavern or nightclub seating capacity.</i></p>	<p>Applicant is taking over the former Bonnie and Clyde's Bar. This location had a conditional use for outdoor dining since September 2012. As conditional uses do not transfer with ownership, a new conditional use permit is required. The applicant is proposing 20 seats on the patio.</p>
1161.02	General Standards for All Conditional Uses	All conditional uses should meet these standards.
1161.03(t)	<p>Supplemental Regulations for Specific Uses Outdoor/Seasonal Dining Facility</p> <p><i>(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.</i></p>	<p>Final indoor seat count has not been finalized, but the applicant has stated 70 seats would be available inside the restaurant. That would permit a maximum of 17.5 seats on the outdoor patio.</p>

City of Lakewood Planning Commission

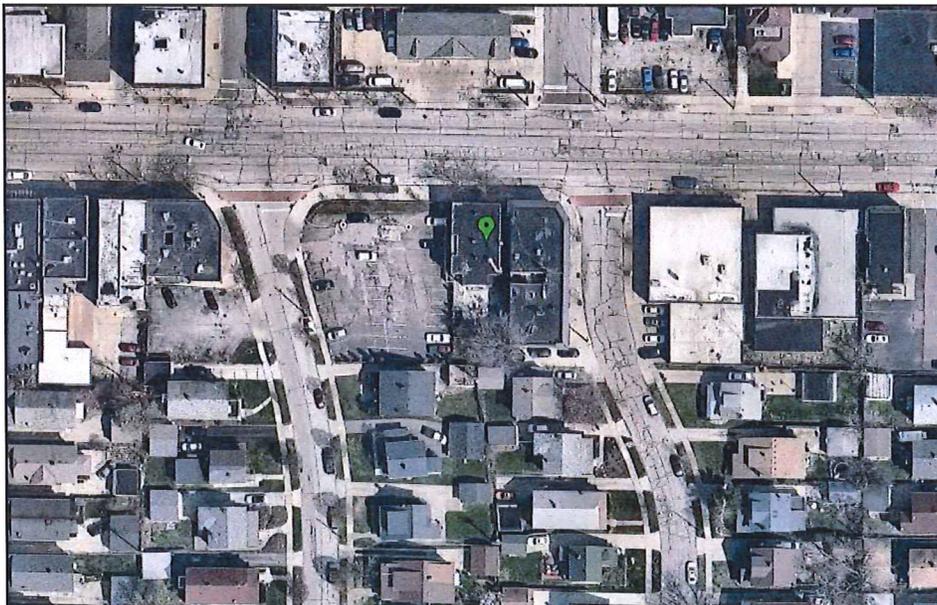
May 5, 2016

1161.03(t)	<p style="text-align: center;">Supplemental Regulations for Specific Uses Outdoor/Seasonal Dining Facility</p> <p><i>(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.</i></p>	<p>This location previously had outdoor speakers, which created problems with adjacent multi-family structures. In September 2012, the PC approved the outdoor patio with the condition that existing speakers be removed. Given this patio's proximity to residential the PC should consider a similar condition of approval.</p>
------------	---	--

Notes: The applicant will not be required to appear before the Architectural Board of Review (ABR) as prescribed in 1161.03(t)(1). The applicant is reusing furniture, patio landscaping and fencing that was previously approved by ABR.



Planning Commission
May 5th, 2016



13603 Madison Avenue: Yuzu
Outdoor Dining



13603 Madison Avenue: Yuzu
Outdoor Dining



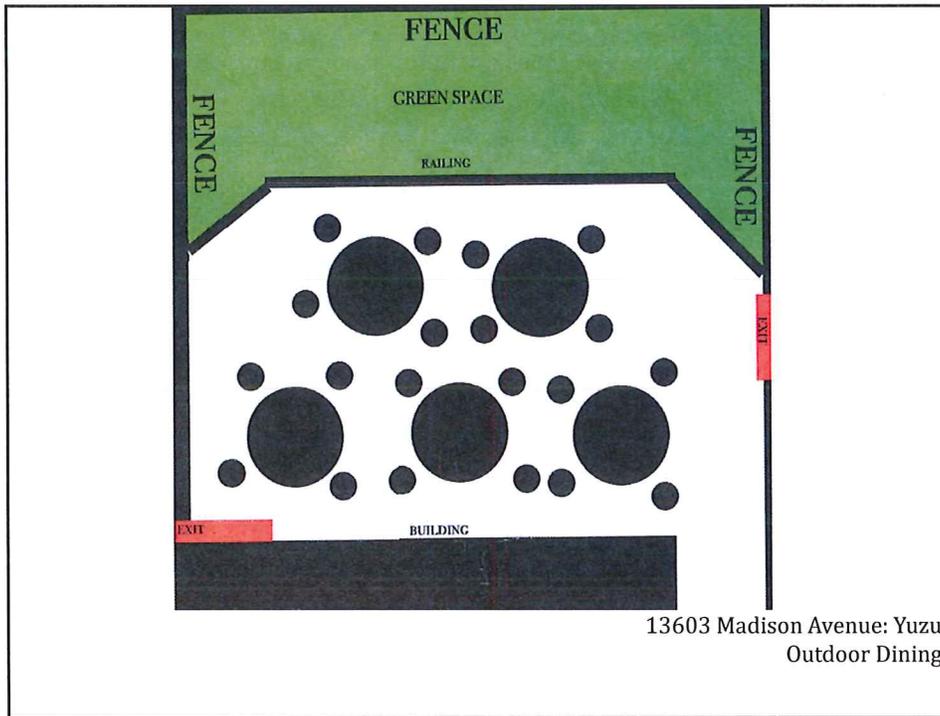
13603 Madison Avenue: Yuzu
Outdoor Dining



13603 Madison Avenue: Yuzu
Outdoor Dining



13603 Madison Avenue: Yuzu
Outdoor Dining





11714 Nelson Court
Lot Split



11714 Nelson Court
Lot Split

