

MINUTES
(Audio recording is available)
PLANNING COMMISSION
AUGUST 4, 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
Louis McMahon, Chairman
Mark Papke

OTHERS PRESENT

Bryce Sylvester, Senior Planner, Board Secretary
Jennifer Swallow, Executive Assistant Law Director

A motion was made by Mr. McMahon, seconded by Mr. Baker to **EXCUSE** the absence of Patrick Metzger. All of the members voting yea, the motion passed.

2. Approve the Minutes of the June 2, 2016 meeting

A motion was made by Mr. Baker, seconded by Ms. Belsito to **APPROVE** the June 2, 2016 minutes as amended (correction of typo in item 1). Mr. Baker, Ms. Belsito, Mr. Coyne, Mr. Gaydos and Mr. McMahon voting yea, and Mr. Papke abstaining, the motion passed.

3. Opening Remarks

Reading of the Opening Remarks was waived.

NEW BUSINESS
CONDITIONAL USE

4. **Docket No. 08-13-16**
12906 Madison Avenue
Barroco

Juan Vergara, Barroco, applicant requests the review and approval of seasonal sidewalk dining, pursuant to Section 1161.03(t) - outdoor/seasonal dining facility. The proposal was approved conditionally by the Architectural Board of Review at its July 14, 2016 meeting. The property is located in a C2, Commercial and Retail district. (Page 2)

Juan Vergara, Barroco, applicant was present to explain the request.

The Commission asked for clarification about the Architectural Board of Review's approval. Mr. Sylvester stated that administrative staff supported the request, and that the language in the code would be revisited for definition of "an outdoor seasonal dining facility". Ms. Swallow cautioned that if approval was granted, the Commission should distinguish it from past applications and recommend the code be reviewed.

Mr. Gaydos thought the proposal enhanced the area and agreed the City would need to address the language.

Public comment was closed as no one addressed the issue. Mr. McMahon said it was a wonderful development and appreciated the applicant's efforts to improve the property/area. Discussion continued about the 25% seating capacity and revisiting of the code.

A motion was made by Mr. Gaydos, seconded by Ms. Belsito to **APPROVE** the request **with the following stipulation:**

- **there is a "Use of Public Property Agreement" in place between the City and property owner.**

All of the members voting yea, the motion passed.

5. **Docket No. 08-14-16**
12213-23 Madison Avenue
Steel Valley Credit Union

Ralph Piunno, agent and applicant requests the review and approval for a live-work unit at 12213 Madison Avenue, pursuant to section 1135.05 (b)(2)(B) – principal and conditionally permitted uses. The property is located in a C3, Commercial and General Business district. (Page 10)

Ralph Piunno, agent and applicant and Mary Piunno were present to explain the request.

Mr. Gaydos asked if they were buying the property. Mr. and Mrs. Piunno said there was a purchase contract contingent upon approval of the Planning Commission.

There were no further comments or questions from the Commission. Mr. Sylvester explained Chapter 1143 and its relationship to the proposal. Administrative staff supported the request. Public comment was closed as no one addressed the issue. Mr. Gaydos was enthusiastic about the project, as was Mr. McMahon.

A motion was made by Mr. Gaydos, seconded by Mr. Baker to **APPROVE** the request **with the following stipulation:**

- **there is approval from the Architectural Board of Review.**

All of the members voting yea, the motion passed.

COMMUNICATION

6. **Docket No. 08-15-16**
Communication from Bryce Sylvester, Senior City Planner, Regarding Swimming Pools Regulations

Bryce Sylvester, Senior City Planner, applicant will present a communication of a proposed ordinance that would move the regulation of the location of family swimming pools from the Sanitary Code (Chapter 17) to the Zoning Code (Chapter 11). City Council referred this ordinance to the Planning Commission for review and recommendation. (Page 17)

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

The Commission and administrative staff discussed definitions.

Public comment was taken.

There were no further questions or comments.

A motion was made by Mr. Gaydos, seconded by Mr. Baker to **RECOMMEND** to City Council **with the following stipulation:**

- **the law department clarifies definition of the word "family".**

All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **ADJOURN** the meeting at 7:43 p.m. All of the members voting yea, the motion passed.



Signature Bryce Sylvester, Senior City Planner
Signed on behalf of Chairman, Louis McMahon

10.06.2016

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. JAN VERCARA
- 2. RALPH PUXNO
- 3. MARY PUXNO
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____

- [Signature]
- Ralph Puxno
- Mary Puxno
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

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, August 4, 2016

ORDINANCE NO.

BY:

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 1722.01, Location of Family Pools, Section 1121.10, Additional Accessory Structure Regulations, Section 1123.10, Additional Accessory Structure Regulations, Section 1125.10, Additional Accessory Structure Regulations, and Section 1127.10, Additional Accessory Structure Regulations, of the Codified Ordinances of the City of Lakewood, in order to provide for the regulation of the location of family swimming pools within the Zoning Code.

WHEREAS, Sections 1722.01, 1121.10, 1123.10, 1125.10 and 1127.10 of the Code stand to be updated to move the regulation of the location of family swimming pools to within the Zoning Code; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, this Council by a vote of at least five of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, as set forth in Article III, Sections 10 and 13 of the Second Amended Charter of the City of Lakewood, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that it is in the best interest of the City to permit applicants an opportunity to seek Zoning Code variances during the current construction season; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1722.01, Location of Family Swimming Pools, of the Lakewood Codified Ordinances, currently reading as follows:

1722.01 LOCATION OF FAMILY POOLS.

- (a) In addition to requirements contained in Section 1123.10(c) and 1121.10(c) of the Lakewood Zoning Code, no family swimming pool or family wading pool shall be placed or located in any front yard or side yard as prescribed by the Lakewood Zoning Code applicable to the lot or parcel upon which such pool is situated.

- (b) Unless otherwise specifically provided the standards and regulations of this chapter shall not be applicable to family wading pools.

shall be and hereby is repealed, and new Section 1722.01, Location of Family Pools, of the Lakewood Codified Ordinances is enacted to read as follows:

1722.01 LOCATION OF FAMILY POOLS.

- (a) ~~The location of family swimming pools and family wading pools shall be governed by In addition to requirements contained in Section 1123.10(c) and 1121.10(c) of the Lakewood Zoning Code, no family swimming pool or family wading pool shall be placed or located in any front yard or side yard as prescribed by the Lakewood Zoning Code applicable to the lot or parcel upon which such pool is situated.~~
- (b) Unless otherwise specifically provided the standards and regulations of this chapter shall not be applicable to family wading pools.

Section 2. Section 1121.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1121.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, shall:
 - (1) In an R1L or R1M Zoning District be located not less than three (3) feet from any lot line;
 - (2) In a R1H Zoning District be located not less than eighteen (18) inches from any lot line.
- (b) Accessory structures having masonry walls without openings or roof projections on a lot-line side of the structure shall be not less than six (6) inches from any such lot-line.
- (c) No family swimming pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1121.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1121.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, shall:
 - (1) In an R1L or R1M Zoning District be located not less than three (3) feet from any lot line;
 - (2) In a R1H Zoning District be located not less than eighteen (18) inches from any lot line.
- (b) Accessory structures having masonry walls without openings or roof projections on a lot-line side of the structure shall be not less than six (6) inches from any such lot-line.
- (c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 3. Section 1123.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1123.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, may not be located within eighteen (18) inches of a side and rear property line.
- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than six (6) inches.
- (c) No family swimming pool shall be located closer than five (5) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the five (5) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1123.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1123.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding family swimming pools, may not be located within eighteen (18) inches of a side and rear property line.

- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than six (6) inches.
- (c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than five (5) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the five (5) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 4. Section 1125.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1125.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures shall be constructed of non-combustible material equivalent to a two-hour fire rating for wall and ceiling construction and shall not be constructed within three (3) feet of a side or rear property line.
- (b) No family swimming pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, provided that written consent from each abutting property owner is filed with the application for variance.

shall be and hereby is repealed, and new Section 1125.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1125.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures shall be constructed of non-combustible material equivalent to a two-hour fire rating for wall and ceiling construction and shall not be constructed within three (3) feet of a side or rear property line.
- (b) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

Section 5. Section 1127.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances, currently reading as follows:

1127.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding swimming pools and decorative structures, shall not be located within three (3) feet of a side or rear property line.
- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than two (2) feet.
- (c) No swimming pool shall locate closer than fifteen (15) feet to the side or rear property line of the lot upon which it is situated.

shall be and hereby is repealed, and new Section 1127.10, Additional Accessory Structure Regulations, of the Lakewood Codified Ordinances is enacted to read as follows:

1127.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- (a) Accessory structures constructed of wood, excluding swimming pools and decorative structures, shall not be located within three (3) feet of a side or rear property line.
- (b) Accessory structures having masonry walls without openings and roof projections on the property line side of the structure may be set back from the rear property line and one (1) side line not less than two (2) feet.
- (c) No swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than fifteen (15) feet to the side or rear property line of the lot upon which it is situated.

Section 6. 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.

Section 7. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in its preamble, and provided it receives the affirmative vote of at least five members of Council this ordinance shall take effect and be in force immediately, or otherwise shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

PRESIDENT

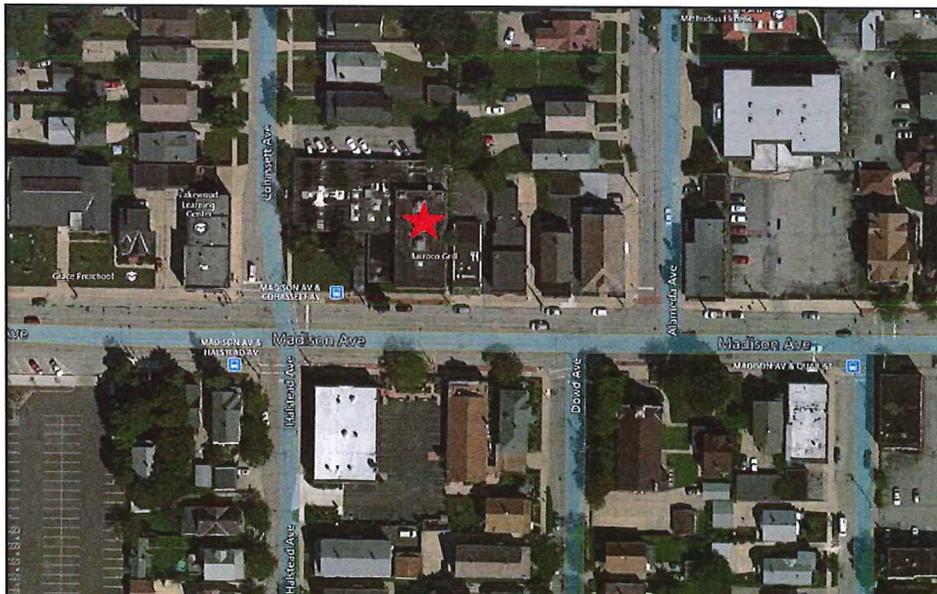
CLERK

Approved: _____

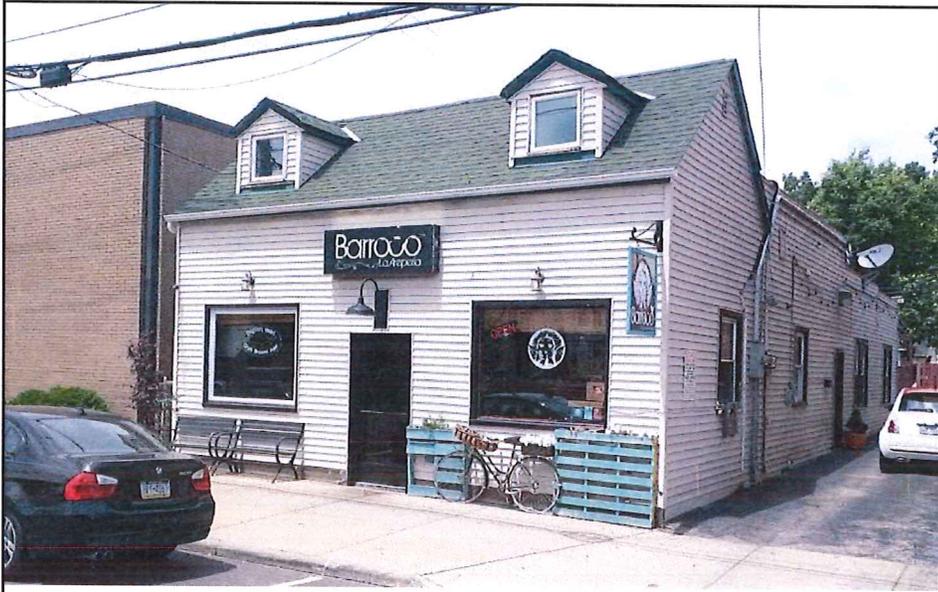
MAYOR



Planning Commission
August 3rd, 2016



12906 Madison Avenue
Barroco



12906 Madison



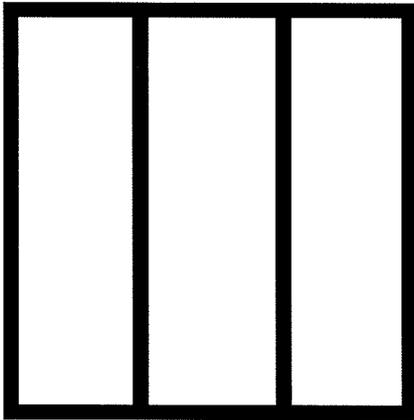
12906 Madison



12906 Madison



12906 Madison



7'

7'

BLACK ANODIZED THERMO BRK FRAME,
1/2" INSUL. GLASS; MFG BY NANA CORP.
black aluminum folding window/door
wth 3.5' railing top and bottom



12906 Madison



100"

36"

8"

72"

AREPA BAR



12906 Madison



100"

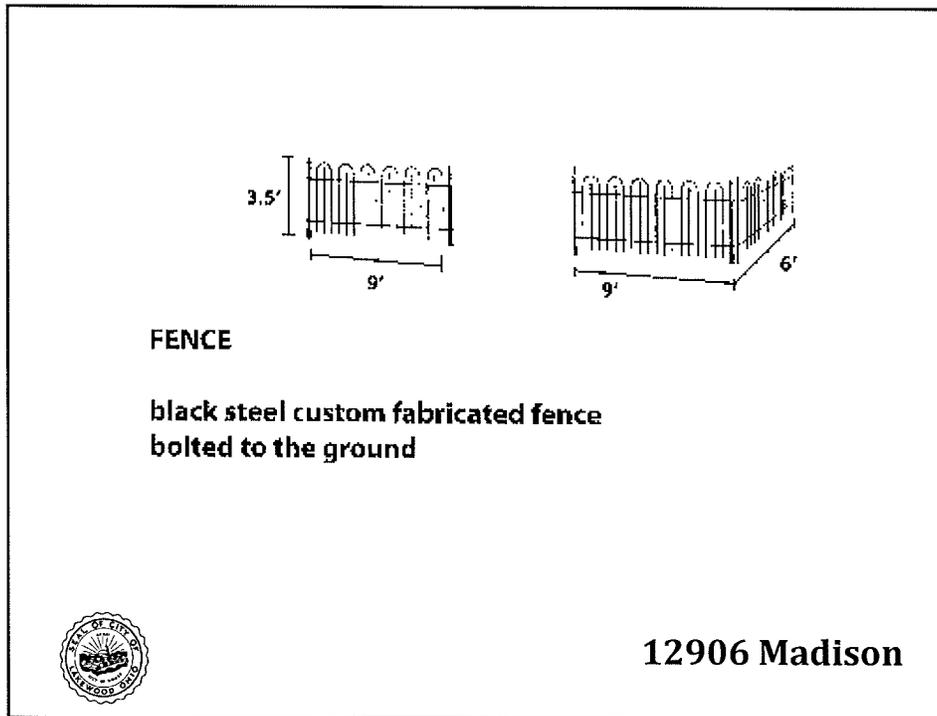
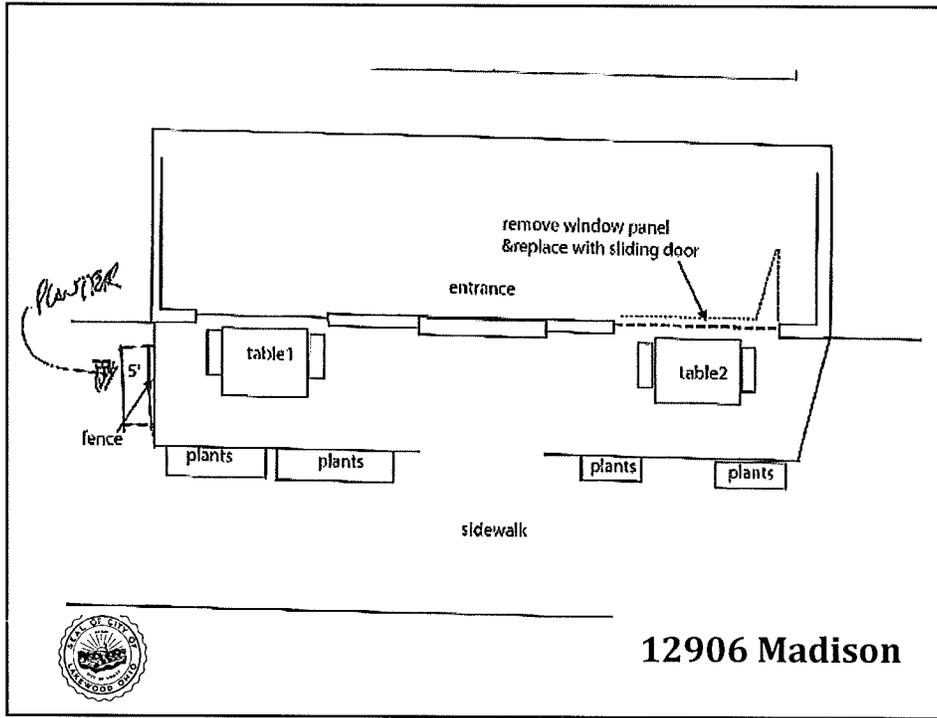
36"

8"

72"

CONCERT CAFE

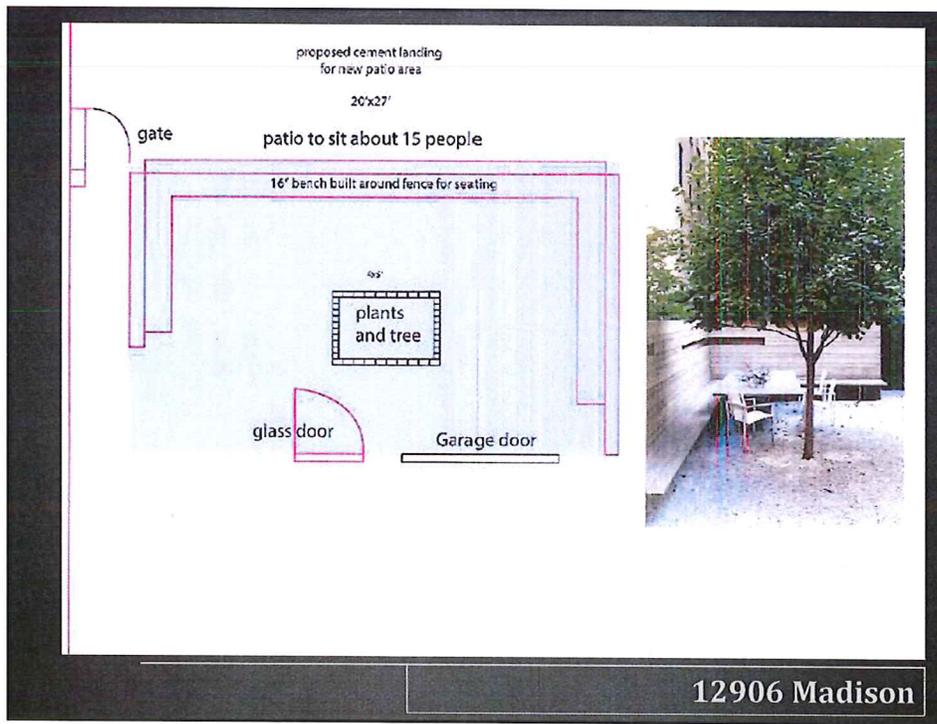




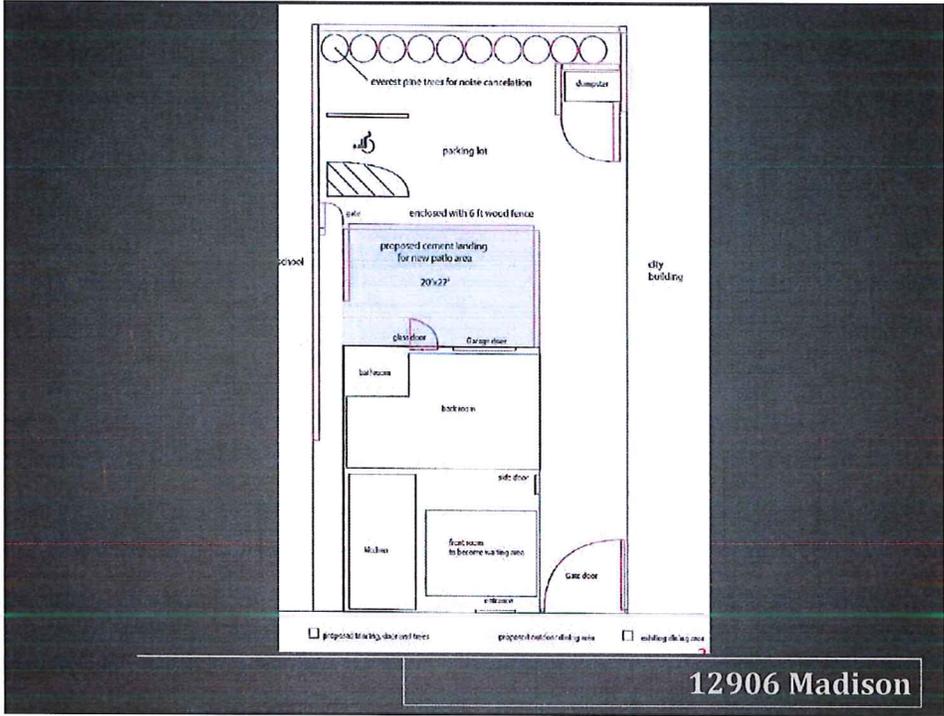
Approval from 2015



12906 Madison



12906 Madison



12906 Madison



12906 Madison

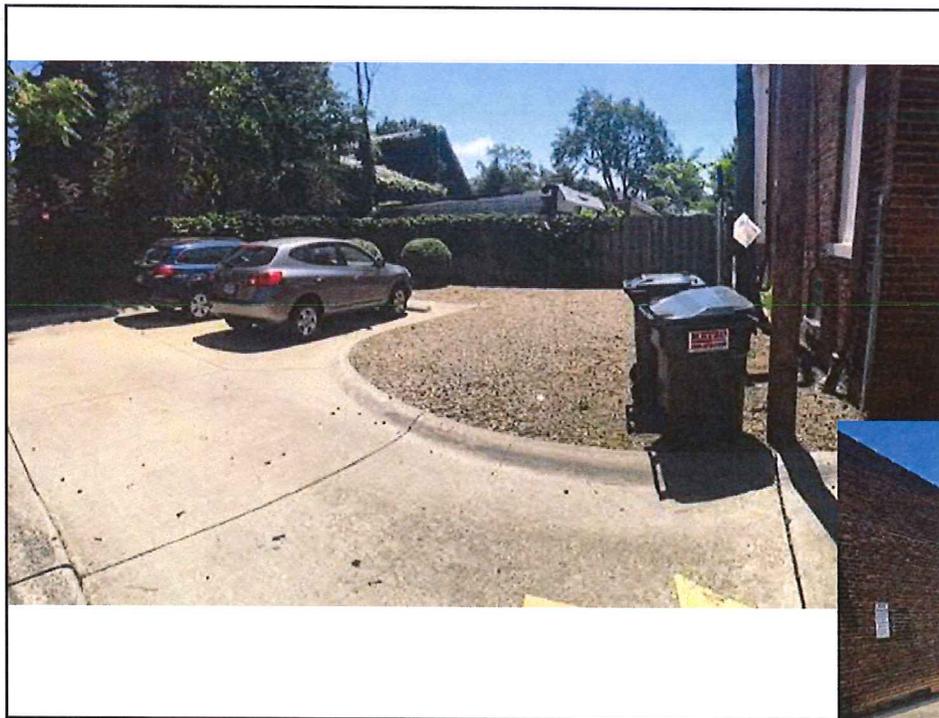
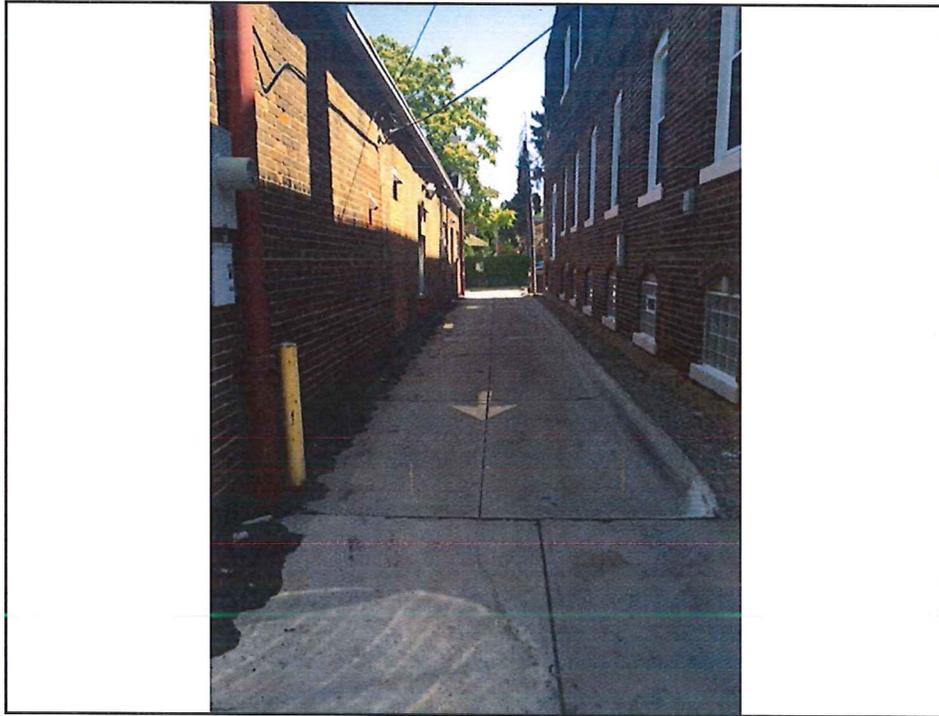


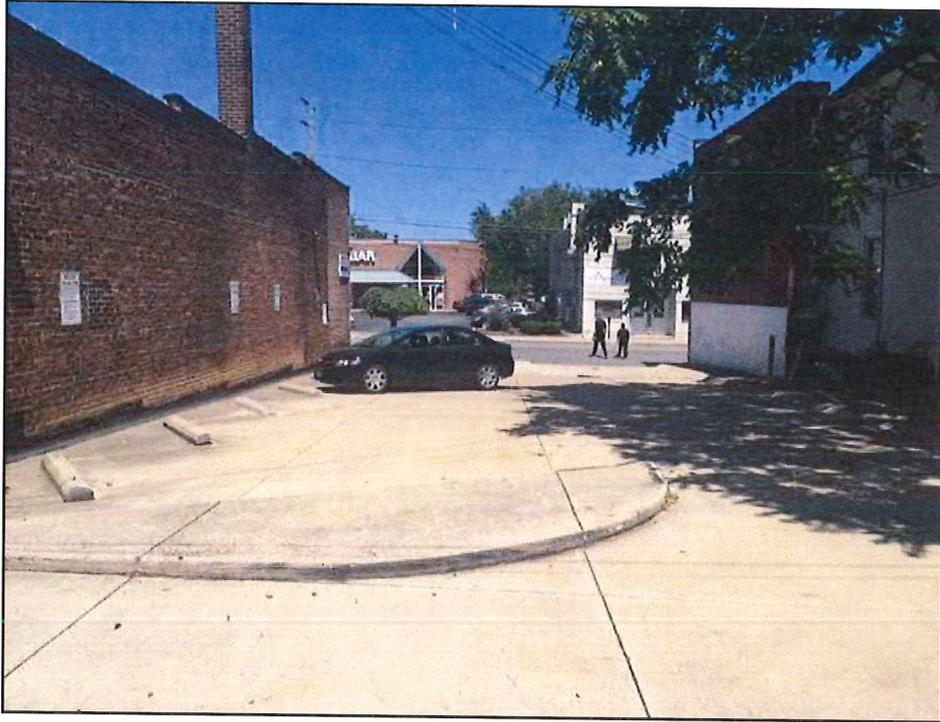
12906 Madison



12213-23 Madison Avenue
Live/Work Proposal







MIXED USE OVERLAY DISTRICT

1135.01 PURPOSE

- (a) To provide a mechanism to accommodate development reuse and redevelopment in specified locations, which is in the public interest
- (b) Allow for more flexibility than those pertaining to other uses within the Code. The Commission shall consider Mixed Use Overlay developments on a case-by-case basis.

ADVANTAGES OF THE PROPOSAL

1135.01 (c)

- (1) Designs in residential and commercial areas that reflect the City's development and planning policies that are consistent with the Vision.
- (2) Designs that are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification or variation from otherwise applicable zone district and development standards.
- (3) Designs which encourage a mix of retail, service, office, housing, live-work units, and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality that mixed uses can bring to the community.
- (6) Designs which provide a choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Code.

PRINCIPAL AND CONDITIONALLY PERMITTED USES

1135.05

- (b) Conditional Uses for a Commercial District Base Zone
 - (2) In keeping with the desire for flexibility in this district, the following may be permitted as additional Conditional Uses in the MUOD:
 - A. Dwelling units, single-family residence attached.
 - B. Live-work units where base zoning permits non-residential uses.
 - C. Uses listed as conditional in the underlying base zone.
 - (3) Modification of development standards shall be permitted on the authority of the Commission.



Communication Regarding Swimming Pools Regulations

Proposed changes to Section 1722.01, Location of Family Pools

- (a) The location of family swimming pools and family wading pools shall be governed by ~~In addition to requirements contained in~~ Section 1123.10(c) and 1121.10(c) of the Lakewood Zoning Code, ~~no family swimming pool or family wading pool shall be placed or located in any front yard or side yard as prescribed by the Lake wood Zoning Code applicable to the lot or parcel upon which such pool is situated.~~

**Proposed changes to Section 1121.10,
Additional Accessory Structure Regulations**

(c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abut-ting property owner is filed with the application for variance.

**Proposed changes to Section 1123.10,
Additional Accessory Structure Regulations**

(c) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abut-ting property owner is filed with the application for variance.

**Proposed changes to Section 1125.10,
Additional Accessory Structure Regulations**

(b) No family swimming pool or family wading pool, as those terms are defined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than ten (10) feet to the side or rear property line of the lot upon which it is situated. The Commissioner may grant a variance to the ten (10) foot side and/or rear line requirement for portable family swimming pools, as that term is defined in Section 1722.02, provided that written consent from each abutting property owner is filed with the application for variance.

**Proposed changes to Section 1127.10,
Additional Accessory Structure Regulations**

(c) No swimming pool or family wading pool, as those terms are de-fined in Section 1722.02, shall be located in any front yard or side yard, and no family swimming pool or family wading pool shall be located closer than fifteen (15) feet to the side or rear property line of the lot upon which it is situated.



Planning Commission
August 3rd, 2016