PLANNING & ZONING COMMISSION MINUTES
VILLAGE OF MADISON
Regular Meeting
July 14, 2014

Regular Planning & Zoning Commission Meeting
Chairman Rob Johnson called the Regular Planning & Zoning Commission Meeting to order at 7:04PM.

Roll Call
Planning and Zoning Commission members in attendance: Mr. Mark Vest, Mr. Dan Donaldson, Mr. Rob Johnson and Mr. Jerry Gardner. Law Director Mr. Joe Szeman and Administrator Dwayne Bailey were also in attendance. Mayor Britton was absent.

Approval of Minutes
Mr. Johnson presented June 9, 2014 meeting minutes for approval.
Motion made by Mr. Gardner and seconded by Mr. Vest.
Questions/Discussion: None
Roll call on approval of minutes: 3 yeas, 1 abstention (Johnson) motion carried.

Council Report: Mr. Vest stated that there will most likely be a public hearing scheduled for the S.O.B. Ordinance in August.

Old Business - None

New Business – Bar Lure – Conditional Use Permit request – It was noted that Mr. Kustala was in the audience for this meeting. Mr. Johnson provided details from the Public Hearing held prior to this meeting. Mr. Johnson asked Mr. Szeman for explanation as to who would be liable if someone was to be injured within the sidewalk café. Mr. Szeman stated that the business would be liable. The cleanliness and upkeep of the area was briefly discussed. Mr. Donaldson noted that there is a light post and a tree planting within the sidewalk in front of Bar Lure which makes the walkway narrower. It was stated that there is approximately 13.5 feet of sidewalk (width) from the business to the curb. Mr. Szeman questioned the hours of operation for the sidewalk café. Mr. Kustala stated that Bar Lure currently operates Tuesday - Saturday from 4:00pm to 11:00pm and he intends the sidewalk café to operate under the same hours. Mr. Kustala stated that there is a possibility of adding lunch hours in the future. It was stated that the proposal is for six, four top tables with umbrellas to be placed within the sidewalk café area. The umbrellas may not have any signage on them. Customers must be seated and not be standing throughout the area. The fence is 42" in height. Mr. Szeman stated that the noise level must be considered when permitting outdoor permits. Mr. Kustala confirmed that there are no plans for outdoor speakers at the café. Mr. Szeman noted that the proposal is a two foot encroachment into the right of way. He added that the Commission cannot give permission to do so however it can approve the plan. It is contingent on there being no objection from ODOT. Preliminary discussion with ODOT has not indicated any issues. It was stated that legislative approval from Council would need to

be received for the encroachment. It was stated that no drilling into the sidewalk is permitted. It was stated that the fence shall be black, decorative wrought iron style and shall enclose the café. Lighting of the area was discussed. The CUP is non transferable. Mr. Vest stated that no operation of the sidewalk café is to commence until all conditions are met. Mr. Donaldson stated that he wants to physically go look at the site. He is concerned about fencing out the general public from a public sidewalk. He stated that the Village just received a grant to restore and recondition the sidewalks along Main Street, which may drastically alter the site. Mr. Donaldson provided details of the grant. Mr. Donaldson stated that he feels that a lot of the questions being asked tonight could probably be answered at the August P & Z meeting. He added that he would like to obtain Mr. Gerson's opinion as well. Mr. Bailey stated that Mr. Kustala provided an actual survey when asked for it. The doorway of the lodge was discussed. Mr. Johnson asked Mr. Kustala if he has approached emergency services to obtain their approval. Mr. Kustala stated no. Mr. Johnson asked for confirmation that Mr. Kustala has already set table out in the proposed area. Mr. Kustala confirmed but added that they have not been used. Mr. Johnson stated that he feels that the prints that were provided are not complete and without a completed print it cannot be voted on. Mr. Vest recommended that this item be tabled at this time so that more information and details can be gathered. Mr. Kustala was hoping to get this process moving earlier this season and asked if he would be able to receive a temporary permit to put something in place while the balance of the information is gathered. Mr. Szeman stated that would not be possible. Mr. Gardner asked how the area will be secured during off hours. Mr. Kustala stated that he has no control over people utilizing the area during the non-business hours. It was stated that there is an apartment located above Bar Lure.

Motion to table made by Mr. Vest, seconded Mr. Gardner.
Roll call on table, 4 yeas.

Mr. Kustala asked if awnings are permitted. Mr. Donaldson stated that they are encouraged but added that they must also be brought before P & Z for approval. Signage on the awning was briefly discussed.

Mr. Bailey stated that he has met with Mr. Shipley from Cocca Development in regards to their property located next to Dollar General on Lake Street. They are interested in opening an adult day care facility in that location but it is not zoned for that type of business. Tina Whit from Menora Park was in attendance and provided details about the services they offer. She stated that there is not an adult day care facility between Painesville and Erie, Pennsylvania, north of I-90. Current zoning does not permit this type of business at this location. Mr. Vest stated that there are conditions to the parking lot that must be addressed prior to any business be permitted to open. Mr. Bailey stated that Mr. Shipley informed him that improvements to the parking lot as far as drainage have been addressed. He has not inspected it himself. As far as zoning, Mr. Szeman stated that an adult day care is permitted in areas zoned B-1, B-2, B-3 and B-4 and asked if there are any other locations in our area that are zoned where this is permitted. Ms. Whit stated that she has been looking for over a year and has been unable to find anything they can afford, being a non-profit. Mr. Szeman stated that this would be a time consuming process. Mr. Donaldson suggested that the General Store be looked at as a potential location. It was

suggested that she meet with Mr. Bailey. It was stated that Cocca Development would need to initiate the proposed change in the zoning code.

Other Comments: None

NEXT MEETING
The next scheduled meeting of the Planning and Zoning Commission is Monday, August 11, 2014.

With no other business before Planning and Zoning Commission, a motion for adjournment in to a workshop to discuss parking was made by Mr. Donaldson and seconded by Mr. Gardner at 7:54pm. Motion passed unanimously with 4 yeas. Meeting adjourned.

Rob Johnson **Planning & Zoning Commission Chairman**	**Mark Vest**	9-8-14 **Date**