



CITY OF OLMSTED FALLS
PLANNING & ZONING COMMISSION
MINUTES
OCTOBER 3, 2018
7:30 PM
COUNCIL CHAMBERS

Commission Members Present : Brett lafigliola, Gary Pehanic, Peter Carpenter, Michelle Hawkins, and Jim Haviland (Arrived at 7:34 p.m.). Garry Thompson and Tony Budak were excused.

Others Present: John Jacobs. Audience: 0

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

1. Planning & Zoning Case #13-2018 - A request made by John Jacobs, owner of 7932 Main Street, (Olde Wine Cellar) PP# 291-19-004 for a conditional use permit for outdoor seating areas to be located in the front and back of the Olde Wine Cellar pursuant to Section 1252.03(5)(b).

Mr. Jacobs indicated that he owns the Olde Wine Cellar in Olmsted Falls. There is a grassy area in front of the building that he would like to enclose for live entertainment part of the year. The State of Ohio Liquor Agency requires a permanent structure enclose the area. Since he can utilize the existing flower beds he is proposing a fenced in area along the parking lot area. There will not be a lot of seating and the seating will be movable. The Architectural Board of Review was not particularly in favor of the particular style of fencing that he chose and submitted to the Commission. Therefore, he will need to appear before the ABR again for fence approval.

Mr. Jacobs indicated that apparently when he leased the building he should have received a conditional use for the back deck and front porch, but, he was unaware of that and the liquor agency did not require that type of approval.

Mr. lafigliola indicated that there are no dimensions on the drawing to indicate the size of the area. Mr. Jacobs indicated that he has not measured an area. When he first signed the lease with the city they were given a square footage amount and he is unsure of that amount. His intent is to have a space where people could come have a glass of wine, eat some cheese and meats and listen to a band, currently he has bands come in on Thursday's.

Mr. lafigliola read into the record Mr. Sheehy's email and Mr. Smerigan's report (see attached).

Mr. Pehanic stated that in Mr. Jacobs' opening statement he made reference to a permanent structure and asked what would be considered the permanent structure. Mr. Jacobs replied the fence. He cannot use any type of thin or decorative chain or anything that is movable. The areas anyone is allowed to drink alcohol must be stated on his liquor license.

Mr. Haviland asked if the garden area next to the fence would be considered a permanent structure. Mr. Jacobs indicated that the state liquor agency states it is acceptable.

Mr. lafigliola asked what the expected hours of the establishment. Mr. Jacobs stated that his current hours are Tuesday through Thursday 11:00 a.m. until 9:00 p.m.; Friday and Saturday 11:00 a.m. until 11:00 p.m. He is closed Sunday and Monday.

Mr. lafigliola asked if the neighborhood new restaurant was in support of this request. Mr. Jacobs stated that he has not approached them about using the space or what his plans entail. Mr. lafigliola indicated that he would encourage Mr. Jacobs to speak with the neighboring property owner.

Mr. lafigliola stated that his other issue is the dimensions of the structure and where this area will be located. He would like to ask Mr. Jacobs to complete some sort of detailed drawing indicating the location, along with any openings, and the dimensions in order for the Commission to understand where this structure will be located and the size of the area.

Mr. Jacobs asked if the Commission would approve a conditional use this evening for the back deck and front porch. Mr. Pehanic indicated that the application also includes the proposed grassy area. Mr. lafigliola indicated that a public hearing would be required for the deck and porch and then a separate conditional use hearing for the proposed grassy area.

The Commission discussed scheduling a public hearing in December. Mr. Jacobs indicated that since he has to propose a new fence style to the ABR Board he believed he had all winter to decide the design. He is not currently scheduled to appear before the ABR Board any time in the future. Mr. Jacobs would prefer handling all the conditional use requests at the same time and preferably next year. Mr. lafigliola indicated that Mr. Jacobs needs to get approval from ABR and the Commission will need 30 days to schedule the public hearing.

Mr. Jacobs indicated that his first step would be to get ABR's approval for the style of fence; submit the dimensions to the Commission. Mr. lafigliola suggested that Mr. Jacobs notify the clerk when he is ready to schedule the public hearing.

Mr. lafigliola moved to **table** docket item #13-2018 a request by Mr. John Jacobs to such time as the applicant desires to resubmit his application; Ms. Hawkins **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

COUNCIL LIAISON REPORT: *No Report*

OTHER BUSINESS: *None*

APPROVAL OF MINUTES: Mr. Pehanic moved to **approve** the Planning & Zoning Commission minutes of September 5, 2018, as amended; Mr. Carpenter **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

ADJOURNMENT:

Mr. Iafigiola moved to **adjourn**; Mr. Pehanic **seconded**. Poll: 5 ayes; 0 nays. **Motion carried.**

Meeting adjourned at 8:09 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date

Angela Mancini

From: Don Sheehy <sheehy@cvelimited.com>
Sent: Tuesday, August 21, 2018 10:02 AM
To: Angela Mancini; George Smerigan
Subject: RE: Planning & Zoning - Olmsted Falls

Angi,

In concept, I have no engineering objections to what is being proposed. What has been provided does not give specific dimensions, property boundaries, setbacks, etc. that would be beneficial for my review, as well as to provide accurate information to P&Z. If this concept is approved, detailed drawings showing grading, site dimension, patio materials, drainage, access, and any other site engineering issues would need to be provided.

Thanks,
Don

From: Angela Mancini <clerkcouncil@olmstedfalls.org>
Sent: Tuesday, August 21, 2018 8:44 AM
To: Don Sheehy <sheehy@cvelimited.com>; George Smerigan <geosmerigan@gmail.com>
Subject: Planning & Zoning - Olmsted Falls

Please review the attached and forward any comments

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Thank you*

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TO: Olmsted Falls Planning and Zoning Commission

FROM: George Smerigan, City Planner 

DATE: August 21, 2018

RE: **John Michael Jacobs / The Olde Wine Cellar
Conditional Use Permit
7932 Main Street**

The Olde Wine Cellar is seeking a Conditional Use Permit pursuant to Section 1252.03(5)(b) for outdoor dining areas both in front of the building and on the deck in the rear of the existing building at 7932 Main Street located in a C-3 Community Commercial District. This project is also in the Historic District. Commission members will recall that the City leases the building to the applicant and therefore the City is responsible for parking.

The applicant has provided photos of the area to be fenced in front of the building and of the deck seating. State law requires that outdoor dining areas be fenced if alcoholic beverages are to be served. There is no information regarding improvements (i.e. paving, drainage, etc.) in the front patio area, and no information with regard to the specific dimension of the front dining area.

Other than the general standards for Conditional Uses set forth in Section 1264.02, there are no specific standards set forth in the Planning and Zoning Code with regard to outdoor dining areas. The application complies with the zoning requirements for uses in the C-3 Community Commercial District.

Approval of the Conditional Use Permit for outdoor dining is recommended subject to approval of a detailed site plan of improvements by the City Engineer.