

**AGENDA
PLANNING COMMISSION
CITY OF LAKEWOOD
MAY 6, 2021
REMOTE MEETING**

**PRE-REVIEW MEETING
6:30 P.M.**

Review docket items

**REGULAR MEETING
7:00 P.M.**

Under the orders of the Governor and Director of Health of Ohio, the Planning Commission will meet remotely until further notice.

The remote meeting information will be posted by 5 PM the day of the meeting at www.onelakewood.com/accordions/planning-commission/

- 1. Roll Call**
- 2. Approve the Minutes of the April 14, 2021**
- 3. Approve the Minutes of the April 22, 2021 Special Meeting.**
- 4. Opening Remarks**

OLD BUSINESS

CONDITIONAL USE

- 5. Docket No. 03-08-21*
11801 Detroit Avenue
Caliber Collision**

Melissa Hernandez, Cross Architects, PLLC requests approval of a conditional use permit for the remodel of an existing building to an automobile paint and repair shop. Pursuant to Chapter 1161.03 (j) – Motor Vehicle Repair/Body Shop. The property is in a C3 - Commercial, General Business district. (Page 3)

***Applicant has requested a deferral.**

LOT SPLIT

- 6. Docket No. 04-11-21
17514 Detroit Avenue
St. James Catholic Church**

Dru Siley, Liberty Development, Co. requests approval of lot split; PPN 311-23-022, PPN 311-23-023, and PPN 311-23-024. The purpose is to separate the school and rectory from the church for the purchase and reuse of those structures for offices. Pursuant to section 1155.07 – Procedures for Lot Splits. The property is in a C2 – Commercial, Retail district. (Page 6)

NEW BUSINESS

CONDITIONAL USE

**7. Docket No. 05-16-21
14321 Detroit Ave
Nosotros Rock Climbing Gym**

Peter Stancato, Nosotros Rock Climbing Gym requests approval of a conditional use permit for a twenty-four hour operation. Pursuant to section 1129.14 – Supplemental Regulations for 24-Hour Operation and section 1161.03(u) – 24-Hour Operation. The property is in a C2 – Commercial, Retail district. (Page 11)

**8. Docket No. 05-17-21
13368 Madison Avenue
Rising Star Coffee**

Cristos Kallas, applicant requests approval for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district. (Page 15)

**9. Docket No. 05-18-21
14523-27 Madison Avenue
Sarita a Restaurant**

Daniel Margulies, Daniel Margulies Co. Inc. requests approval of a conditional use permit for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district. (Page 19)

REVIEW OF CONDITIONAL USE

**10. Docket No. 05-08-12
15605-07 1/2 Detroit Avenue
Merry Arts Pub & Grille**

Review of conditional use compliance as requested by the Lakewood Planning Commission at the April 1, 2021 meeting. At the May 3, 2012, John Granzier, Merry Arts Pub & Grille business owner requested a conditional use for Outdoor/Seasonal Dining Facility pursuant to Sections 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit, and requests a variance for extended hours for the use of the outdoor dining. This property is located in a C2, Commercial and Retail district. **The applicant was approved for a patio at the rear of the property; disposition is attached.** (Page 26)

**OLD BUSINESS
ZONING CODE AMENDMENT**

**11. Docket No. 04-15-21
CHAPTER 1153 Fences**

The City of Lakewood requests review and recommendation to City Council of proposed amendments to Chapter 1153 of the Codified Ordinances pertaining to the regulation of fences. (Page 41)

ADJOURN



PLANNING COMMISSION

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5907
www.onelakewood.com

Application Cover Page

Docket No.: 03-08-21

Permit No.: PC21-000007

Applicant Name: Melissa Hernandez, Cross Architects, PLLC

Project Address: 11801 Detroit Avenue

Project Name: Caliber Collision

Proposal: Approval of a conditional use permit for the remodel of an existing building to an automobile paint and repair shop.

Johanna Schwarz

From: Katelyn Milius
Sent: Monday, April 26, 2021 3:44 PM
To: Johanna Schwarz
Subject: FW: PC21-000007 Request for Deferred Submittal

From: Melissa Hernandez <MHernandez@crossarchitects.com>
Sent: Wednesday, April 14, 2021 1:27 PM
To: Katelyn Milius <Katelyn.Milius@lakewoodoh.net>
Subject: RE: PC21-000007 Request for Deferred Submittal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Katelyn,

We are requesting a deferred submittal of the Conditional Use permit application from the Planning Commission meeting on May 6, 2021. This request is for the proposed Caliber Collision Auto Body Paint and Repair shop located at 11801 Detroit Avenue Lakewood, OH. We will provide the revised plans to address the requirements of the city ordinance prior to the next available Planning Commission meeting schedule.

Please let me know should you have any questions.

Thank You,



Melissa Hernandez | Cross Architects, PLLC

Direct: 469.393.1124

Email: mhernandez@crossarchitects.com

879 Junction Dr, Allen, TX 75013

www.crossarchitects.com

From: Katelyn Milius [<mailto:Katelyn.Milius@lakewoodoh.net>]
Sent: Thursday, March 18, 2021 12:22 PM
To: Melissa Hernandez <MHernandez@crossarchitects.com>
Subject: RE: PC21-000007 Request for Deferred Submittal

Thank you.

From: Melissa Hernandez <MHernandez@crossarchitects.com>
Sent: Thursday, March 18, 2021 12:00 PM
To: Katelyn Milius <Katelyn.Milius@lakewoodoh.net>
Cc: Bret Flory <bflory@crossarchitects.com>
Subject: PC21-000007 Request for Deferred Submittal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Katelyn,

We are requesting a deferred submittal of the Conditional Use permit Application from the Planning Commission meeting on April 1, 2021. This request is for the proposed Caliber Collision Auto Body Paint and Repair shop located at 11801 Detroit Avenue Lakewood, OH. We will provide the revised plans to address the requirements of the city ordinance prior to the next available Planning Commission meeting schedule.

Please let me know should you have any questions.

Thank You,



Melissa Hernandez | Cross Architects, PLLC

Direct: 469.393.1124

Email: mhernandez@crossarchitects.com

879 Junction Dr, Allen, TX 75013

www.crossarchitects.com



PLANNING COMMISSION

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Application Cover Page

Docket No.: 04-11-21

Permit No.: PC20-000010

Applicant Name: Dru Siley, Liberty Development Co.

Project Address: 17514 Detroit Avenue

Project Name: St. James Catholic Church

Proposal: lot split; PPN 311-23-022, PPN 311-23-023, and PPN 311-23-024. The purpose is to separate the school and rectory from the church for the purchase and reuse of those structures for offices. Pursuant to section 1155.07 – Procedures for Lot Splits. The property is in a C2 – Commercial, Retail district.

EXHIBIT D
SHARED PARKING AGREEMENT

The general terms and conditions are as follows:

1. Purchaser and/or Tenant/s shall be permitted to use the available spaces in the designated parking areas on the subject property (PP# 311-23-024 and 311-23-023) to provide for business parking.
2. Typical business hours of operation for the Purchaser and/or Tenant of the subject property (PP# 311-23-024 and 311-23-023) are generally defined as Weekdays from 7:00 am until 6:00 pm and Saturdays from 8:00 am until 4:00 pm.



EXECUTED AND AGREED by the parties hereto, this the 16 day of February 2021.

St. Joseph M. Workman
St. James Parish; Father James Workman

17415 Northwood Ave
Lakewood, OH 44107

Sean P Nugent
Sean P Nugent, Member

Oster Services Commercial LLC and
STJS Holdings LLC
1387 Mathews Ave, Lakewood, OH 44107

Account: 101-0000-321. 30-03 (Sim. Use, Con. Use, Use Var)
Account: 101-000-349. 60-00 (Minor-Sub, Lot Split/Con, PD)

REFERENCE No. _____
DOCKET No. _____
FEE PAID _____

APPLICATION
LAKWOOD PLANNING COMMISSION

Property Address 17514 Detroit Avenue Business/Tenant Name St. James School
Property Owner Name Diocese of Cleveland Owner Phone (216) 226-5116
Owner E-mail jworkman@dioceseofcleveland.org Zoning C-2 Parcel Number See Exhibit
Project Summary Lot split request to separate the school and rectory from the church to allow for the purchase and reuse of those structures for office.

Late Applications Will Not Be Accepted. (See calendar on page 2 for deadlines)

ACTION REQUESTED (Check all that apply)

- Minor Sub-Division - (Commercial \$200, Residential \$200, Planned Development \$500)
 Lot Consolidation/Lot Split - (Commercial \$200, Residential \$200, Planned Development \$500)
 Planned Development - (\$500)
 Similar Use - (Commercial \$50, Residential \$25)
 Conditional Use - (Commercial \$150, Residential \$75) (See Chapter 1173 of the Zoning Code for add'l submission requirements)
 Variance - (Commercial \$50, Residential \$25)
 Parking Plan Review - (\$150)

Submission Requirements:

1. A detailed written description of the request signed by the applicant/owner.
2. Letter of authorization from property owner, if different from the applicant.
3. A scaled site plan detailing elements of the proposal and showing adjacent properties and uses. (1 copy, 8.5 x 11)
4. Photos of the existing conditions.
5. Authorization for Property Access signed by the owner. (Pg. 2 of this application form)
6. Fee(s).

Applicant Name (Print Clearly): Sean Nugent/Dru Siley Company Oster/Liberty Development Co.

Applicant Address: 1387 Mathews, Lakewood, OH, 44107

Phone: 440-892-1800 Fax: ostercommercial@gmail.com E-mail: ds@liberty-development.com

Signature:  Date: 03-11-2021

OFFICE USE ONLY: Application Reviewed and Accepted by: _____ Date: _____

File History: _____

Bldg. Dept. Remarks: _____

ORD. _____ SECTION _____



PLANNING COMMISSION

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Application Cover Page

Docket No.: 05-16-21

Permit No.: PC21-000018

Applicant Name: Peter Stancato, Nosotros Rock Climbing Gym

Project Address: 14321 Detroit Avenue

Project Name: Nosotros Rock Climbing Gym

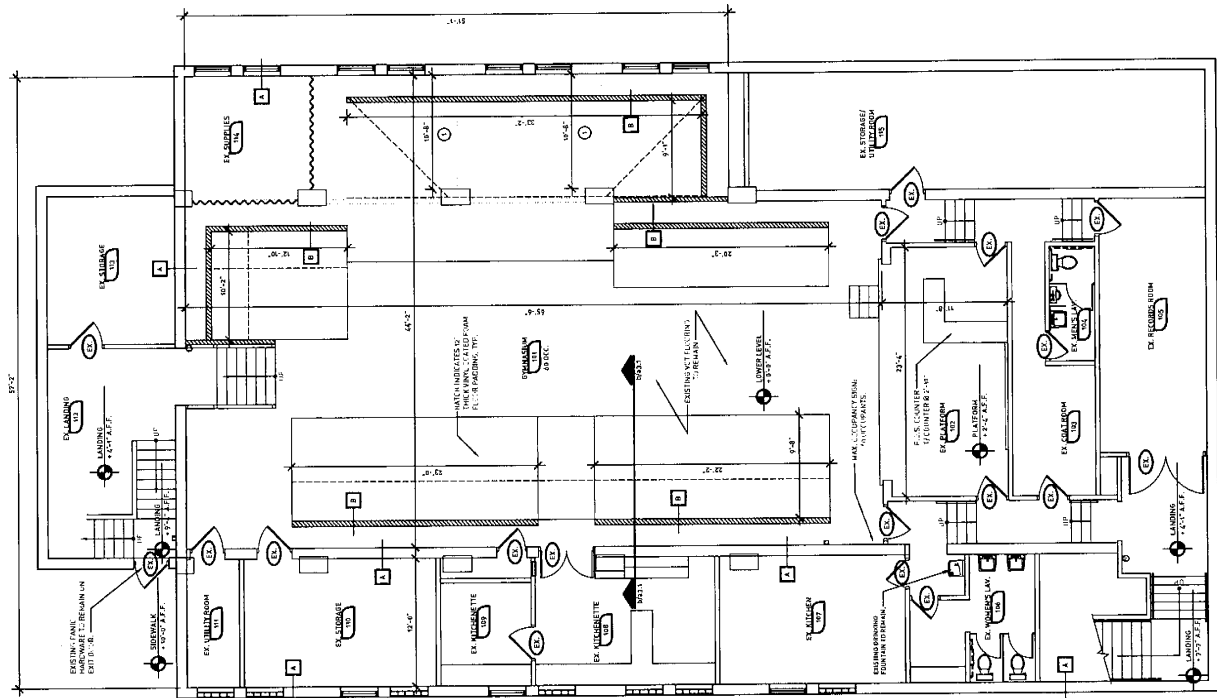
Proposal: a conditional use permit for a twenty-four hour operation. Pursuant to section 1129.14 – Supplemental Regulations for 24-Hour Operation and section 1161.03(u) – 24-Hour Operation. The property is in a C2 – Commercial, Retail district.



NOSOTROS - CLIMBING GYM LAKEWOOD BAPTIST CHURCH

PROJECT TITLE:	NOSOTROS - CLIMBING GYM
PROJECT NO.:	LAKEWOOD BAPTIST CHURCH
DATE:	07.10.2022
DESIGNER:	JACOB S. WILEY
CLIENT:	LAKEWOOD BAPTIST CHURCH

a2.1



LOWER LEVEL FLOOR PLAN
SCALE: 3/8" = 1'-0"
NORTH

WALL LEGEND:

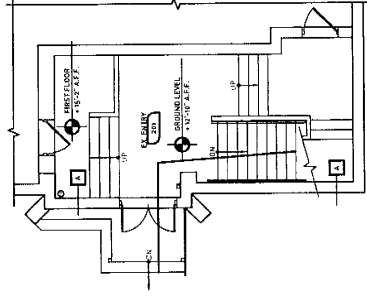
- A** EXISTING INTERIOR WALL WITH PLASTER FINISH B INTERIOR.
- B** STAINLESS STEEL WALL WITH PLASTER FINISH B INTERIOR.
- C** STAINLESS STEEL WALL WITH PLASTER FINISH B INTERIOR. 8" X 8" S.C. SEE DETAIL FOR BRACING RESISTING WALL/FLOOR.

EXISTING DEVICE LEGEND:

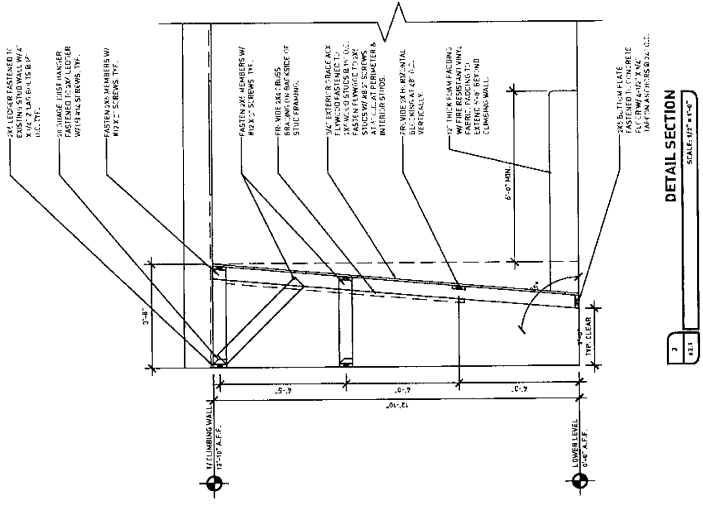
- 1** EXISTING FIRE ALARM PULL STATION TO REMAIN
- 2** EXISTING FIRE ALARM STROBE LIGHT TO REMAIN
- 3** EXISTING FIRE EXTINGUISHER TO REMAIN

DEMOLITION KEY NOTES:

- 1** REMOVE EXISTING GYFST ABOVE.



MAIN ENTRY LEVEL PARTIAL FLOOR PLAN
SCALE: 3/8" = 1'-0"
NORTH



DETAIL SECTION
SCALE: 1/2" = 1'-0"



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Application Cover Page

Docket No.: 05-17-21

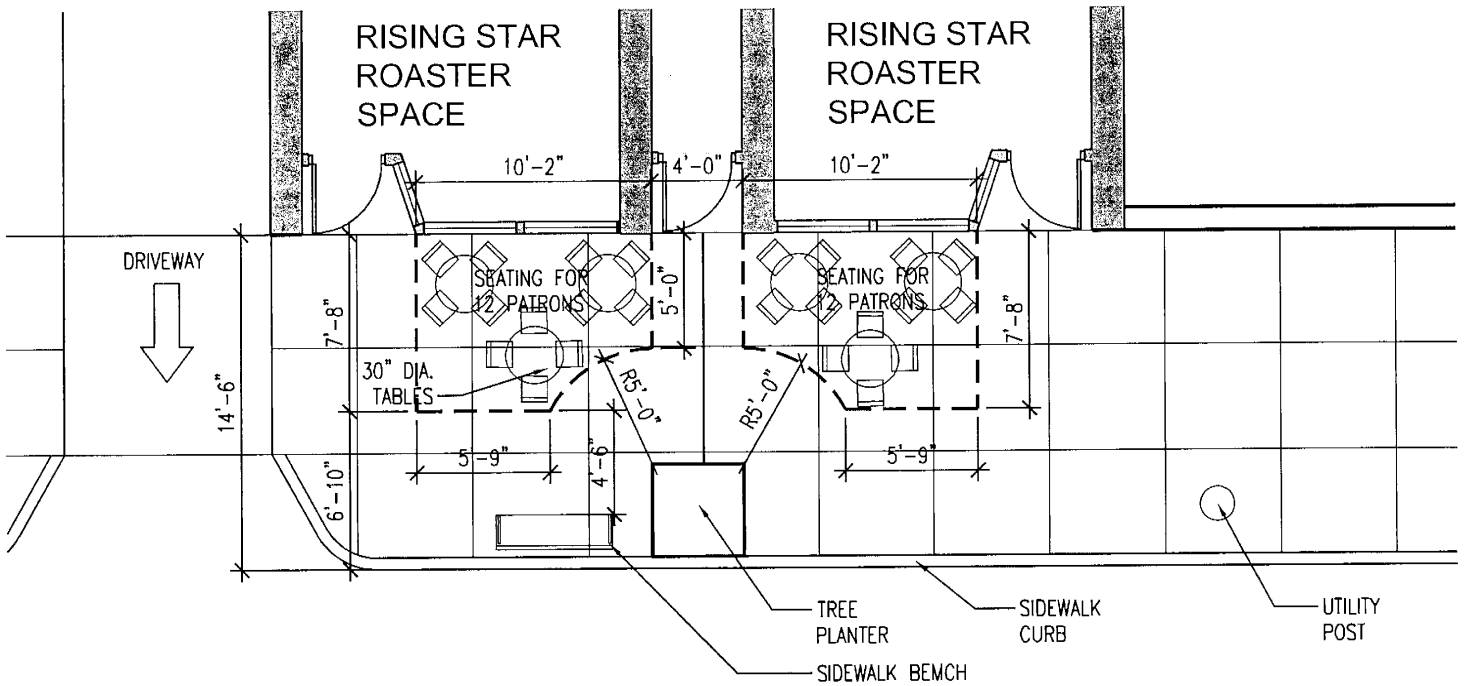
Permit No.: PC21-000017

Applicant Name: Cristos Kallas

Project Address: 13368 Madison Avenue

Project Name: Rising Star Coffee

Proposal: a conditional use permit for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district.



13368 Madison Avenue

Partial Plan

1/8" = 1'-0"



HUMBERTO J. OLIVOS AIA
 23780 GESSNER ROAD, NORTH OLMSTED, OHIO
 440.342.7934 - hjolivos@gmail.com

Proposed Street Seating
 Rising Star Coffee- Outdoor Seating
 13368 Madison Ave
 Lakewood, Ohio 44107

Date 04/08/020	Drawing A-1
Drawn By HJO	
Project No. 2021	Sheet

Rising Star Coffee

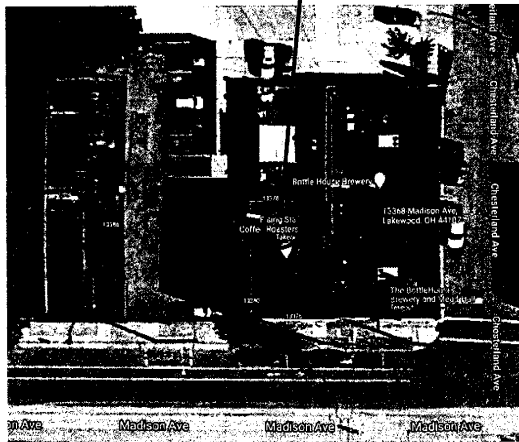
13368 Madison Avenue
Lakewood, Ohio 44107

PPN: 31506026

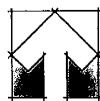
Issued for Planning Commission Review: April 08, 2021

Project Location

Rising Star Coffee Roasters



TRUE



NORTH



Location Map

HUMBERTO J. OLIVOS AIA
23780 GESSNER ROAD, NORTH OLMSTED, OHIO
440.342.7934 -- hjolivos@gmail.com

Cover Sheet
Rising Star Coffee- Outdoor Seating
13368 Madison Ave
Lakewood, Ohio 44107

Date 04/08/020	Drawing
Drawn By HJO	T-1
Project No. 2021	Sheet



View West



View East



HUMBERTO J. OLIVOS AIA
 23780 GESSNER ROAD, NORTH OLMSTED, OHIO
 440.342.7934 -- hjolivos@gmail.com

Existing Conditions
 Rising Star Coffee- Outdoor Seating
 13368 Madison Ave
 Lakewood, Ohio 44107

Date 04/08/2020	Drawing
Drawn By HJO	T-2
Project No. 2021	Sheet



PLANNING COMMISSION

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Application Cover Page

Docket No.: 05-18-21

Permit No.: PC21-000019

Applicant Name: Daniel Margulies, Daniel Margulies Co. Inc.

Project Address: 14523-27 Madison Avenue

Project Name: Sarita a Restaurant

Proposal: a conditional use permit for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district.

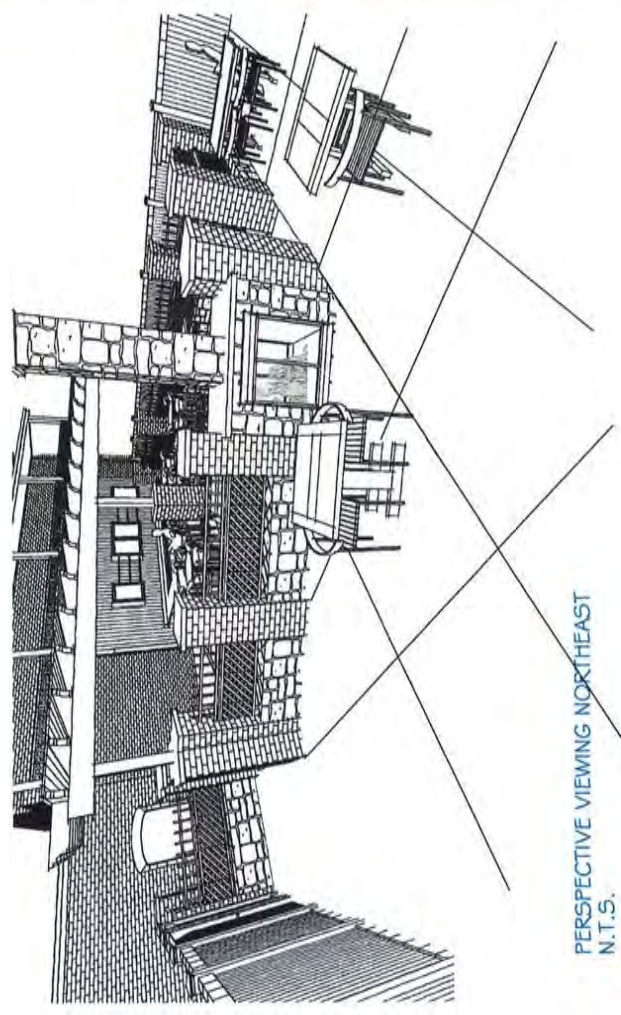
REV: 04.18.21 FOR LAKWOOD PLANNING COMMISSION AND BOARD APPLICATION

DESIGN: DANIEL MARGULIES COMPANY INC.
 1210 CHASE AVENUE
 LAKWOOD, OHIO 44107
 TEL: 440.356.0888
 EMAIL: daniel@dmco.ohioecorp.com



SARITA A RESTAURANT
 14523 MADISON AVENUE
 LAKEWOOD, OHIO

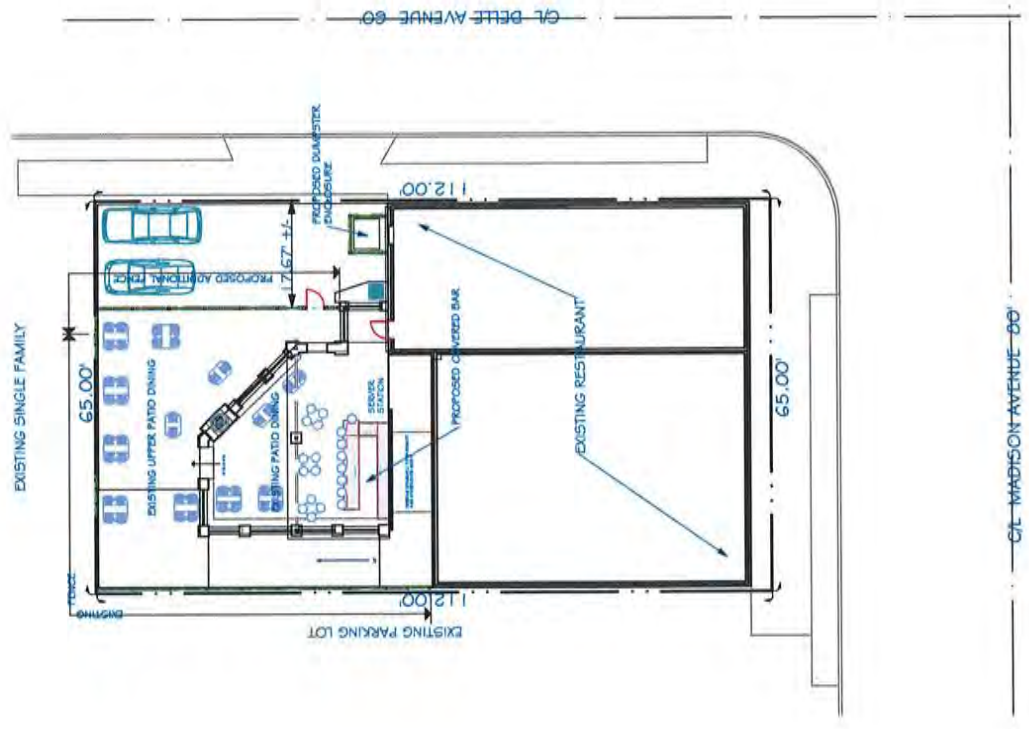
SCALE DATE: 1/8"=1'-0" 04.18.21
 PROJECT: SARITA A RESTAURANT
 CONCEPT 1
 SHEET NO. 1



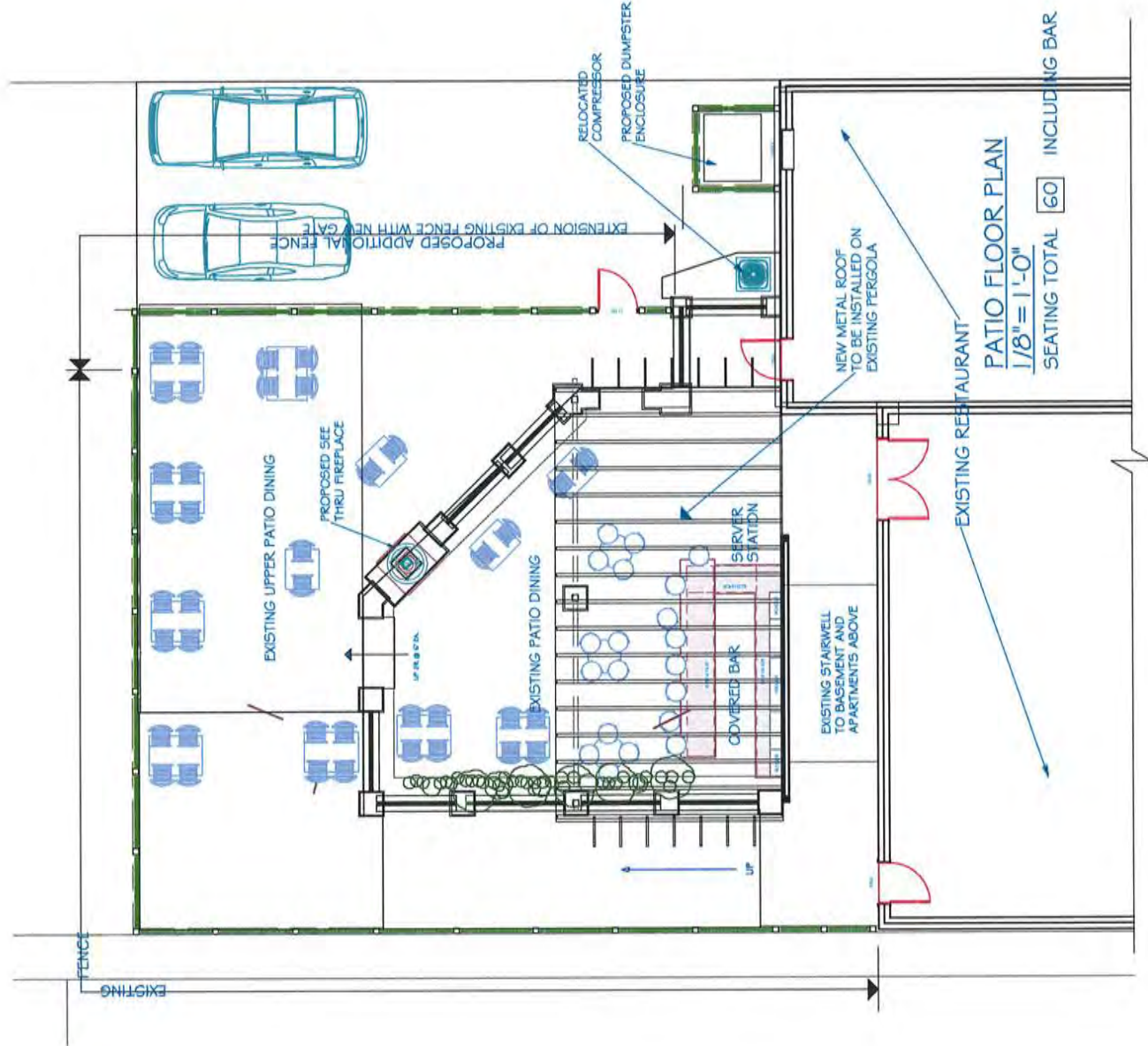
PERSPECTIVE VIEWING NORTHEAST
 N.T.S.

PATIO RENOVATION for:
SARITA A RESTAURANT
 14523 MADISON AVENUE
 LAKEWOOD, OHIO

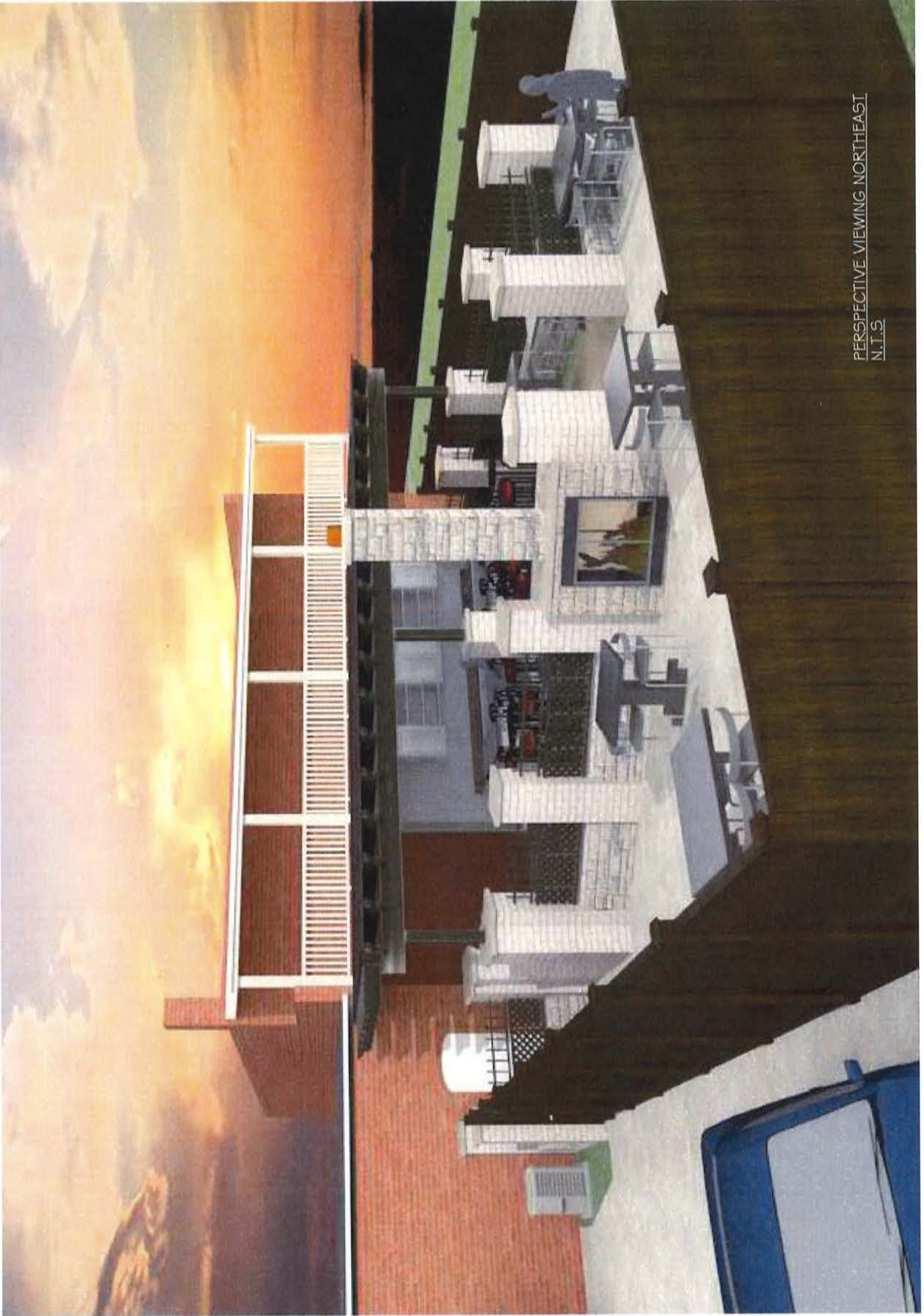
DRAWING INDEX	
#	DESCRIPTION
1	COVER SHEET • DRAWING INDEX • SITE PLAN
2	PATIO FLOOR PLAN
3	PERSPECTIVE VIEWING NORTHEAST
4	PERSPECTIVE VIEWING NORTHWEST
5	PROPOSED BAR PERSPECTIVE VIEWING NORTHEAST
6	EXISTING CONDITIONS PHOTOGRAPHS



CL MADISON AVENUE 00'



PATIO FLOOR PLAN
 1/8" = 1'-0"
 SEATING TOTAL 60 INCLUDING BAR



PERSPECTIVE VIEWING NORTHEAST
N.T.S.

SARITA A RESTAURANT
14523 MADISON AVENUE
LAKEWOOD, OHIO



DESIGN: DANIEL MARGULIES COMPANY INC.
1210 CHASE AVENUE
LAKEWOOD, OHIO 44107
TEL: 440.356.0555
EMAIL: daniel@dmc.ohioemail.com

04.16.21 FOR
LAKEWOOD PLANNING
COMMISSION AND
BOARD OF ZONING
BOARD APPLICATION

ISSUE DATE
04.16.21
PROJECT
PRELIM
CONCEPT 1
SHEET NO.
3



PERSPECTIVE VIEWING NORTHWEST
N.T.S.

SARITA A RESTAURANT
14523 MADISON AVENUE
LAKEWOOD, OHIO



DESIGN: DANIEL MARGULIES COMPANY INC.
1210 CHASE AVENUE
LAKEWOOD, OHIO 44107
TEL: 440.356.0888
EMAIL: daniel@dmc.ohioxxmail.com

REV.
04.18.21 FOR
LAKEWOOD PLANNING
COMMISSION AND
ARCHITECTURAL BOARD
BOARD APPLICATION

DATE: 03.21.21
PREP: CONCEPT 1
SHEET NO. 4

REV.
CALL (614) 211-1111 FOR
LAKWOOD PLANNING
CORPORATION AND
CONSTRUCTION AND
BOARD APPLICATION

DESIGN: DANIEL MARGULIES COMPANY INC.
1210 CHASE AVENUE
LAKWOOD, OHIO 44107
TEL: 440.356.0955
EMAIL: daniel@dmc.ohioonline.com



SARITA A RESTAURANT
14523 MADISON AVENUE
LAKWOOD, OHIO

ISSUE DATE
CONCEPT
PROGRAM
CONCEPT 1
SHEET NO.
5



PROPOSED BAR PERSPECTIVE VIEWING NORTHEAST
N.T.S

REV. 04.18.21 FOR
LAKEWOOD PLANNING
COMMISSION AND
CITY OF LAKEWOOD
BOARD APPLICATION

DESIGN: DANIEL MARGULIES COMPANY INC.
1210 CHASE AVENUE
LAKEWOOD, OHIO 44107
TEL: 440.356.0888
EMAIL: daniel@dmc.ohioemail.com



SARITA A RESTAURANT
14523 MADISON AVENUE
LAKEWOOD,
OHIO

SCALE: 1/8" = 1'-0"
DATE: 04.18.21
PROJECT:
CONCEPT 1
SHEET NO. 9





PLANNING COMMISSION

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Application Cover Page

Docket No.: 05-08-12

Permit No.: PC21-000020

Applicant Name: John Granzier, Merry Arts Pub & Grille

Project Address: 15605-07 1/2 Detroit Avenue

Project Name: Merry Arts Pub & Grille

Proposal: Review of conditional use compliance as requested by the Lakewood Planning Commission at the April 1, 2021 meeting. At the May 3, 2012, John Granzier, Merry Arts Pub & Grille business owner requested a conditional use for Outdoor/Seasonal Dining Facility pursuant to Sections 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit, and requests a variance for extended hours for the use of the outdoor dining. This property is located in a C2, Commercial and Retail district.

**MINUTES / DISPOSITION
PLANNING COMMISSION MEETING
MAY 3, 2012
LAKEWOOD CITY HALL
7:00 P.M.
AUDITORIUM**

MEMBERS PRESENT

Hanna Belsito
Mary Cierebiej, Vice-Chair
Robert Greytak
Patrick Metzger
Mark Stockman, Chair

OTHERS PRESENT

Dru Siley, Commission Secretary, Dir. of P&D
Bryce Sylvester, Planner
Jennifer Mladek, Assistant Law Director

CONDITIONAL USE

Docket 05-08-12

**15605-15607 1/2 Detroit Avenue
Merry Arts Pub + Grille**

John D. Granzier, Merry Arts Pub + Grille Inc., business owner and applicant, request Conditional Use approval of an Outdoor/Seasonal Dining Facility, pursuant to Sections 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit, and requests a variance for extended hours for the use of the outdoor dining. This property is located in a C2, Commercial and Retail district. (Page 48)

John D. Granzier was present to explain the request. Referring to the PowerPoint presentation, he showed how and where the proposed patio would be. The large dumpster would be exchanged with a smaller one and more frequent refuse dumping would occur. The grease trap would be removed; the oil would be recycled by placing into smaller containers and retrieved more often. A stamped dark grey concrete would serve as the floor of the patio, dark red brick walls would be around the perimeter of the patio (walls to the west and south would be seven feet (7') tall and the east wall would be five feet (5') tall, and a trellis would overhang a bit to provide shade from the intense sun, the tables and chairs would be constructed from wrought iron, sectional seating would be in the corners, and there would be a gas fueled fireplace instead of a wood burning one. Anticipating noise issues emanating from the patio, that was why the walls of the patio would be brick, and there would be landscaping, both of which should buffer the sound. Decorative wrought iron on the walls would serve for aesthetic purposes.

Mr. Greytak asked if parking spaces were being displaced. Mr. Granzier replied no public spaces were being omitted. The three spaces against the building slated for displacement belonged to the building owner, and two of them were used by Merry Arts employees. The stairway was used as a fire exit and would be retained. The main entrance to the building was on the front of the building. To the west of the proposed alcove area were air conditioning units that would be moved to the roof. He said they were asking the patio to remain open until midnight as the kitchen was open until 2:00 AM.

Nick Hoag, 1421 Westwood Avenue, was concerned about parking and the late hours of the patio. Mr. Granzier said he wanted to ask CVS if they could use that parking lot. He said he communicated with the neighborhood block watch and posted signs asking patrons to be cognizant of the neighbors.

Mr. Siley stated there were two requests; one for outdoor dining and one for extended hours. The burden of managing the conditional use requests was upon the business owner. Conditional Use and variance were subject to the Planning Commission's review if found the owner was not in compliance and created a nuisance. He also explained the process of granting extended hours and any consequences that might occur if not in compliance and the creation of a nuisance.

A motion was made by Mr. Metzger, seconded by Ms. Belsito to **GRANT** the Conditional Use of an Outdoor/Seasonal Dining Facility and to **DEFER the request of a variance for extended hours for the use of outdoor dining for one (1) year**. All of the members voting yea, the motion passed.

Account: 101-0000-321. 30-03 (Sim. Use, Con. Use, Use Var)
Account: 101-000-349. 60-00 (Minor-Sub, Lot Split/Con, PD)

DOCKET No. 05-08-12
FEE PAID 04/18/12 58
PL - 000 456

APPLICATION
LAKWOOD PLANNING COMMISSION

Property Address 15605-15607 1/2 Detroit Ave Business/Tenant Name Merry Arts Pub + Grille
Property Owner Name William Campbell Owner Phone 216.210.7182
Owner E-mail Bill@RomainFountain.com Zoning _____ Parcel Number _____
Project Summary Construct an outdoor dining area under the guidelines of Lakewood's Outdoor Dining Ordinance

Late Applications Will Not Be Accepted. (See calendar on page 2 for deadlines)

ACTION REQUESTED (Check all that apply)

- Minor Sub-Division - (Commercial \$200, Residential \$200, Planned Development \$500)
- Lot Consolidation/Lot Split - (Commercial \$200, Residential \$200, Planned Development \$500)
- Planned Development - (\$500)
- Similar Use - (Commercial \$50, Residential \$25)
- Conditional Use - (Commercial \$150, Residential \$75) (See Chapter 1173 of the Zoning Code for add'l submission requirements)
- Variance - (Commercial \$50, Residential \$25)

Submission Requirements:

1. A detailed written description of the request signed by the applicant/owner.
2. Letter of authorization from property owner, if different from the applicant.
3. A scaled site plan detailing elements of the proposal and showing adjacent properties and uses. (3 copies, 8.5 x 11)
4. Photos of the existing conditions.
5. Authorization for Property Access signed by the owner. (Pg. 2 of this application form)
6. Fee(s).

Applicant Name (Print Clearly): John D. Granzier Company Merry Arts Pub + Grille Inc.
Applicant Address: bus: 15607 1/2 Detroit Ave, Lakewood personal: 16811 Dartmouth Ave., Cleve, 44111
Phone: 216.323.8844 Fax: 216.251.0224 E-mail: jgranzier@adelphia.net
Signature: [Signature] Date: 4.12.12

OFFICE USE ONLY: Application Reviewed and Accepted by: PSA Date: 4/18/12

File History: _____

Bldg. Dept. Remarks: 1) REQUEST A COMM. TOUR USE PERMIT FOR OUTDOOR DINING 2) REQUEST RETENORATION FOR THE USE OF THE OUTDOOR DINING

April 17, 2012

Lakewood Planning Commission

To Whom It May Concern:

MERRY ARTS PUB AND GRILLE OUTDOOR DINING APPLICATION

Please accept this application, photos and architectural renderings to be used for the construction of an outdoor dining area under the City of Lakewood's guidelines at Merry Arts Pub & Grille, 15605-07 ½ Detroit Avenue.


The area will be approximately 25'x35' inside according to John Waddell, the architect on the project. The west wall and part of the south wall will be 8' tall. The remainder of the south wall and the entire east wall will be 5.5' tall. The plant beds along the south side of the area are 3' in depth. The inside floor will be stamped concrete and the walls will be brick. The trellis, covering approximately half of the area will be treated wood. The gate and some additional areas on top of some walls will be decorative wrought iron. Lighting will be low-light and decorative in nature.

REQUEST FOR VARIANCE

We are also respectfully requesting a variance in regards to the closing time of the dining area—extending the time from 10:00 to 12:00. The main reason for this is that our kitchen remains open until 2am. Over the years we have built a reputation for a place to getting a late dinner—after other restaurants have closed. Noticeable by the renderings submitted, the cost of this project will be quite expensive; therefore, we would like to get as much use from the area as possible—the outdoor dining season in Northeast Ohio is extremely limited. We understand, as with the outdoor dining area in general, this variance to stay open later would be conditional.

As you may be aware, Merry Arts is Lakewood's oldest pub & restaurant and has become a staple in Lakewood's community. We are excited to make an outdoor dining area that extends Lakewood's downtown revitalization, as well as, a facility that the City of Lakewood and its residents can truly be proud of.

Thank you,



John D. Granzier
Owner/Applicant

William Campbell
15603 Detroit Avenue
Lakewood, Ohio 44107

April 12, 2012

Lakewood Planning Commission
12650 Detroit Avenue
Lakewood, Ohio 44107

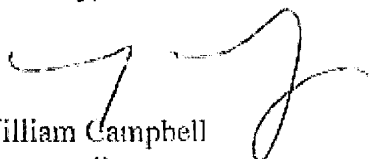
To Whom It May Concern:

MERRY ARTS PUB & GRILLE OUTDOOR DINING

I, William Campbell, owner of property located at addresses 15601-15607 Detroit Avenue in Lakewood Ohio, grant John Granzier (owner of Merry Arts Pub & Grille) permission to construct an outdoor dining area under the guidelines Lakewood's Outdoor Dining Ordinance.

I have approved the designs submitted with the application to Lakewood's Planning Commission.

Sincerely,


William Campbell
Property Owner



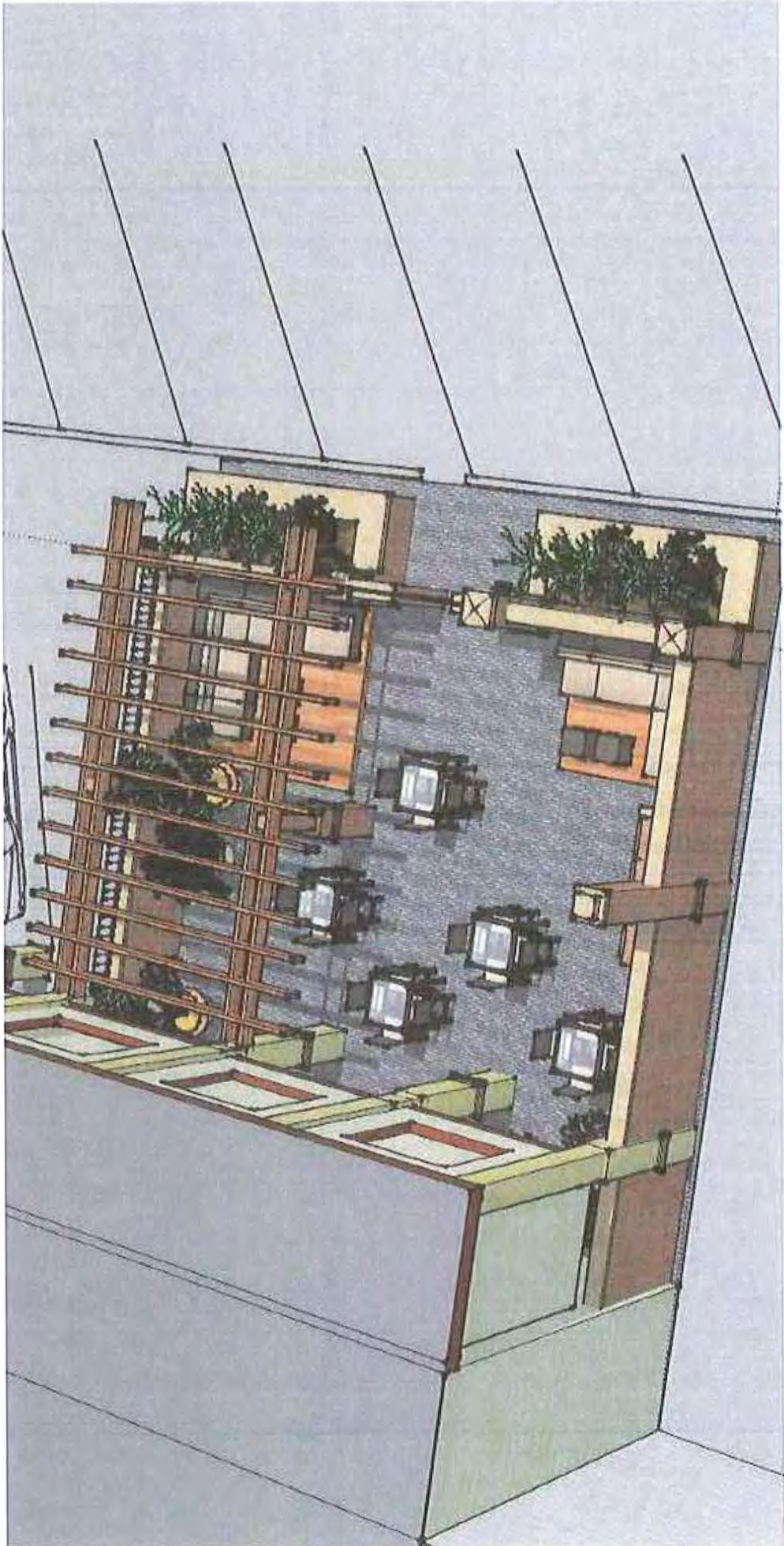
MERRY ARTS PUB & GRILLE
15607 DETROIT AVENUE



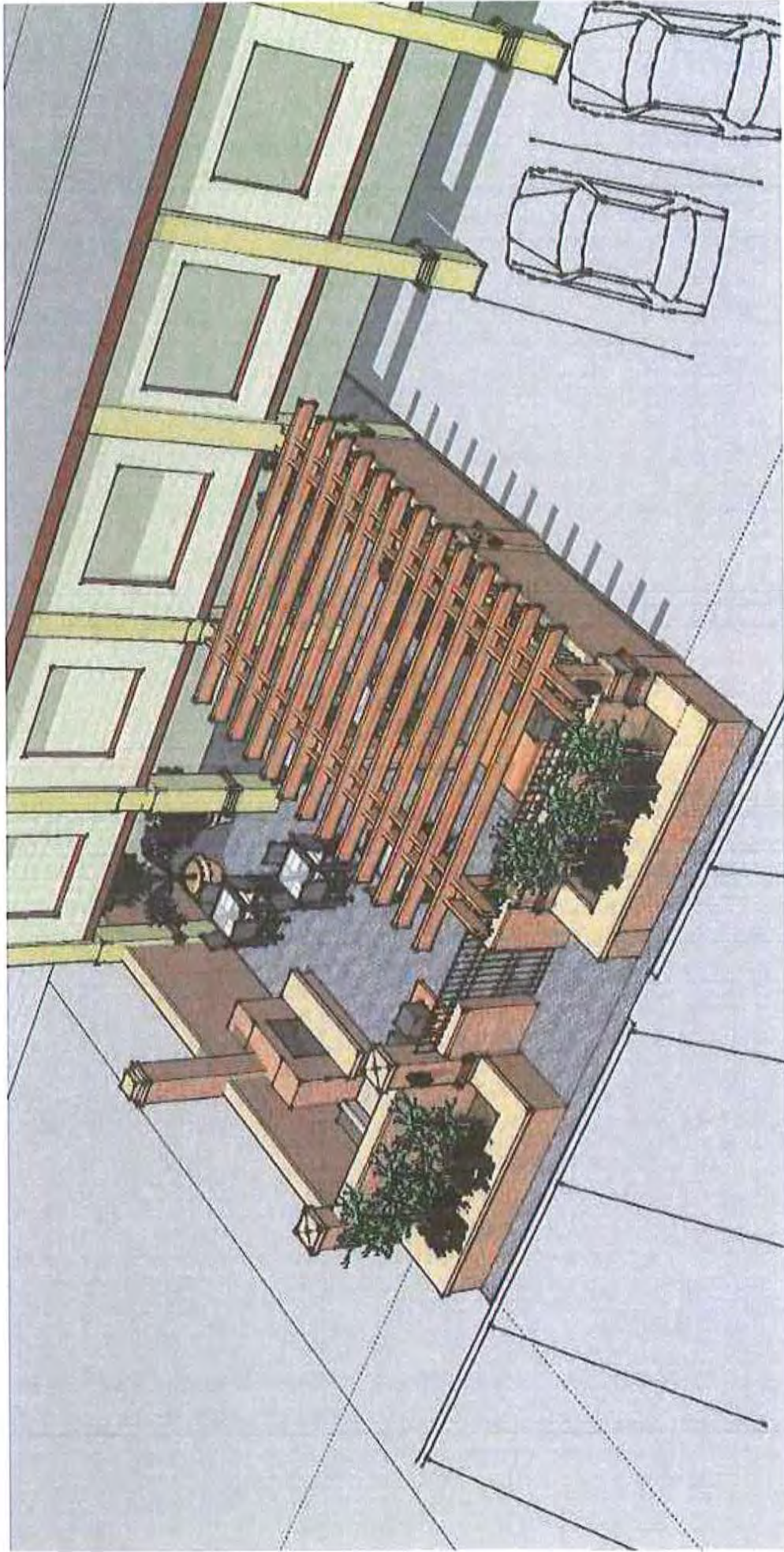
MERRY ARTS PUB & GRILLE
15607 DETROIT AVENUE



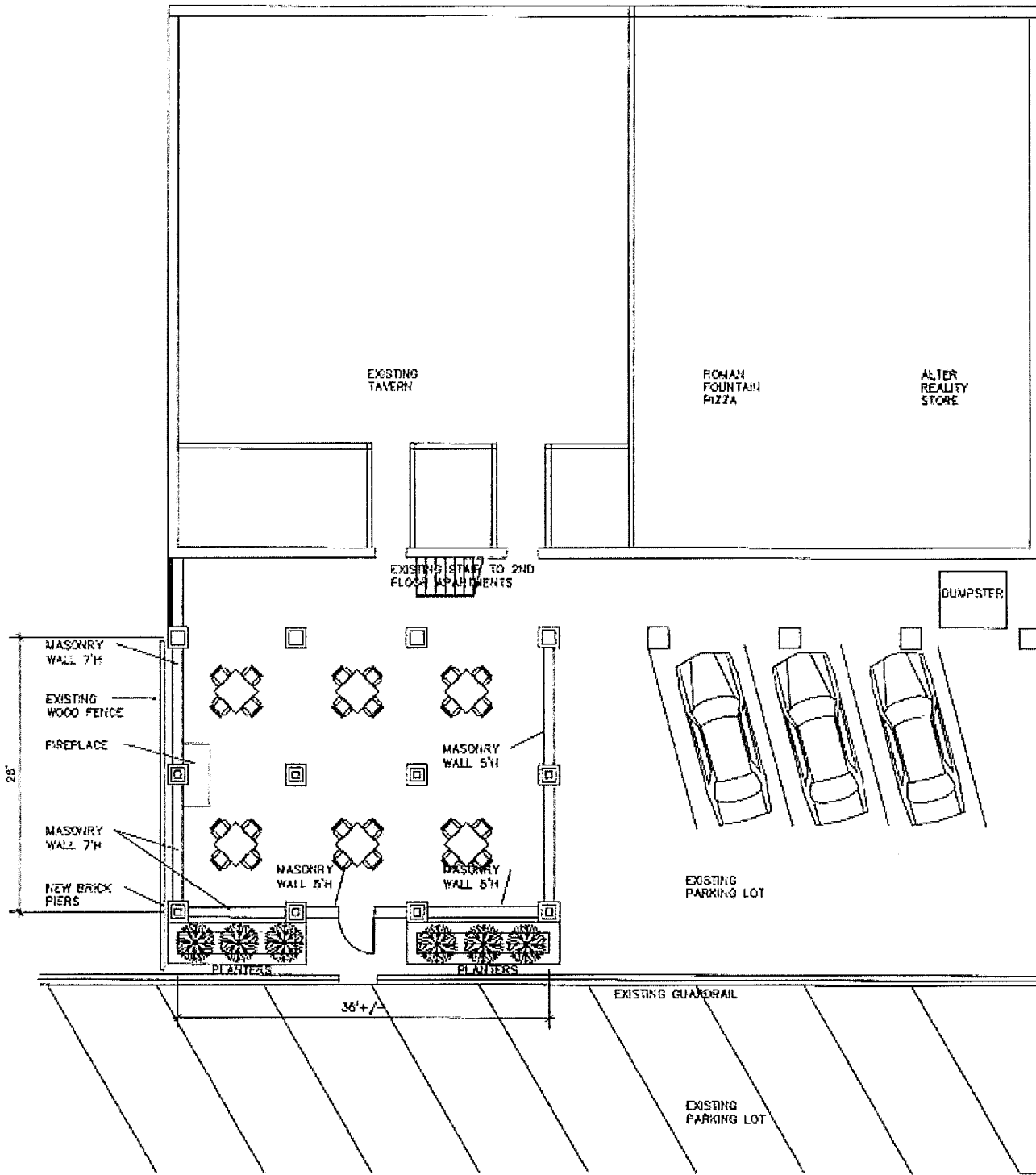
MERRY ARTS PUB & GRILLE
15607 DETROIT AVENUE



MERRY ARTS PUB & GRILLE
15607 DETROIT AVENUE



MERRY ARTS PUB & GRILLE
15607 DETROIT AVENUE



MERRY ARTS PATIO PLAN

MERRY ARTS PUB & GRILLE
 15607 DETROIT AVENUE

REVELATIONS

FORBICI

PUMA YOGA

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WESTWOOD

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BUGGARS

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ROMAN
FOUNTAIN
PIZZA

ALTER
REALITY

LAKELAND

MERRY ARTS PUB & GRILLE

CVS DRUGSTORE

RESIDENTIAL

PARKING LOT

RESIDENTIAL

MERRY ARTS PUB & GRILLE
15607 DETROIT AVENUE

RESIDENTIAL

RESIDENTIAL

N



US Feet 30 60 120









PLANNING COMMISSION

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5907
www.onelakewood.com

Application Cover Page

Docket No.: 04-15-21

Permit No.: PC21-000013

Applicant Name: Department of Planning and Development, City of Lakewood

Zoning Code Amendment: The City of Lakewood requests review and recommendation to City Council of proposed amendments to Chapter 1153 of the Codified Ordinances pertaining to the regulation of fences.



PLANNING COMMISSION

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5907
www.oneLakewood.com

April 1, 2021

Planning Commission
Lakewood City Hall
12650 Detroit Avenue
Lakewood, Ohio 44107

**Re: Docket No. 04-15-21
Zoning Code Amendment
Chapter 1153 Fences**

Dear Members of the Planning Commission:

The City of Lakewood requests review and recommendation to City Council of proposed amendments to Chapter 1153 of the Codified Ordinances pertaining to the regulation of fences.

Sincerely,

Katelyn Z. Milius

Katelyn Milius, Planner
Commission Secretary

SUBSTITUTE: PLANNING COMMISSION COMMENTS (05/06/2021)

ORDINANCE NO.

By:

AN ORDINANCE to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, amending Section 103.02 Definitions and Chapter 1153 Fences of the Codified Ordinances of the City of Lakewood in order to clarify fence installation requirements within the City of Lakewood.

WHEREAS, the fence code in Lakewood has not been substantially updated in nearly two decades; and

WHEREAS, the Division of Housing and Building, who is responsible for permitting and inspecting fence installations has run into situations which require further clarification; and

WHEREAS, updating the code at this time will provide further clarification for the Division of Housing and Building, contractors, property owners seeking a permit and neighboring property owners in addition to assisting in avoiding disputes prior to installation of a new fence; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, 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 this fence specifications and requirements should be further defined prior to the 2021 construction season; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKEWOOD:

Section 1. That Chapter 1153 Fences, currently reading as follows:

1153.01 DEFINITIONS.

(a) **FENCE** means an unroofed structure erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.

(b) **LIVING FENCE** means a grouping of plants including, but not limited to, hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.

1153.02 REGULATIONS.

(a) No fence, or living fence greater than thirty-six (36) inches above grade, shall be erected, placed, or extended in front of the building line; however, fences may be permitted in front of the building line along a side or rear property line where a residential lot abuts a lot containing a non-residential use.

(b) On a corner lot, no fence, or living fence greater than thirty-six (36) inches above grade, shall be erected or placed on the side lot line adjacent to the side street and extending from the rear

SUBSTITUTE: PLANNING COMMISSION COMMENTS (05/06/2021)

property line to the front building line or part thereof, except upon a determination by the Commissioner that such fence or living fence does not obstruct the view of vehicle or pedestrian traffic, or constitute a hazard. Said fence must be located a minimum of twelve (12) inches from the public right-of-way.

(c) Fences are permitted along a rear or side property line or portion of a rear or side property line provided that:

(1) Fences less than or equal to seventy-two (72) inches above grade may be of any type, subject to subsection (g);

(2) Fences greater than seventy-two (72) inches above grade but less than or equal to ninety-six (96) inches above grade shall be constructed such that at least fifty percent (50%) of any lineal foot of such fence is open for the through passage of light and air;

(3) No fence shall exceed ninety-six (96) inches above grade.

(d) A fence in front of the building line and parallel to the public right-of-way may be deemed a decorative fence, and is permitted, provided that:

(1) The fence shall be less than or equal to forty-two (42) inches above grade; a pole less than or equal to ninety-six (96) inches above grade may be included in such fence where such pole is used for lighting, address or a combination of both;

(2) Total length of the fence shall not exceed fifty-five percent (55%) of the foundation wall fronting the public right-of-way;

(3) No portion of the fence shall be situated further than eight (8) feet from any part of the structure, excluding entry stairs and landings; no portion of the fence shall be less than ten (10) feet from the public right-of-way;

(4) Only wooden fences known as picket, slat, and split-rail shall be permitted as decorative fences;

(5) No gate shall be included in the fence.

(6) The Architectural Board of Review (ABR) is hereby authorized to grant approvals to this subsection (d), Chapters 1171 and 1173 notwithstanding, where it finds that strict enforcement would be contrary to the intent and purpose of this subsection.

A. The ABR is hereby authorized to approve any fence design depicted in the most recent edition of the *American Institute of Architects' "Architectural Graphic Standards"* that it deems decorative.

B. In its decisions, the ABR shall consider the development of adjacent, contiguous, and neighboring buildings and properties in order to achieve the purposes of the ABR, as set forth in Chapter 1325.

(e) Fences and living fences on or immediately adjacent to a property line shall not be included in the calculation of total principal or accessory structure lot coverage.

(f) Fences shall display a finished face toward adjacent streets and properties.

(g) Barbed wire and/or razor fences:

(1) Are prohibited in residential and commercial zoning districts;

(2) Are permitted in industrial zoning districts provided that such fences shall be of chain link construction topped with barb arms with no more than three (3) strands of barbed wire; said arms to be no less than seventy-two (72) inches and no more than ninety-six (96) inches above grade.

(h) Fences enclosing swimming pools shall be permitted, pursuant to Section 1722.08.

(i) A fence shall be placed entirely within the property line of its respective parcel.

(j) A security fence as regulated by Section 1159.05(i)(1).

(k) Planned Development pursuant to Section 1156.05(k).

Is hereby repealed.

Section 2. New Chapter 1153 of the Codified Ordinances is hereby enacted to read as follows:

1153.01 DEFINITIONS.

SUBSTITUTE: PLANNING COMMISSION COMMENTS (05/06/2021)

- (a) FENCE means an unroofed structure, including a living fence, erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.
- (b) LIVING FENCE means a grouping of plants including, but not limited to, hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.
- (c) YARD, CORNER SIDE means a yard, occurring on a corner lot, which is adjacent to a public or private street, extending from the front foundation wall of the building which is facing the street to which it is addressed, to the rear lot line, and from the side foundation wall to the public or private right-of-way.

1153.02 PERMIT REQUIRED.

Pursuant to 1306.62, a permit must be obtained prior to installing a new fence, replacing a fence, or modifying the location, height, material, type, style or other changes not considered a repair of any existing fence. The Building Commissioner has the authority to establish permit requirements and conditions required to ensure any application for permit conforms to the requirements of this Section.

1153.03 FENCE PLACEMENT AND TYPES.

- (a) **Location.** The property owner installing or modifying a fence shall determine their own property lines and ascertain that the fence or wall as constructed does not deviate from the plans as approved by the Building Commissioner and does not encroach upon another lot. The issuance of a permit by the City shall not be construed to mean the City has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed herein. Fences and walls may be placed adjacent to a property line, but not on a property line.
- (b) **Placement.**
 - (1) To the extent possible, two fences or walls should not be placed back-to-back along a common property line. Every effort should be made to utilize the existing fence or wall. Otherwise, there shall be no separation between the two fences or walls, or a minimum separation of two (2) feet between fences or walls shall be provided for the maintenance of the fences or walls and the ground area between the two fences or walls.
 - (2) Wherever a public or private sidewalk or right-of-way and a driveway intersect, no part of a fence greater than thirty-six (36) inches above grade shall be within eight (8) feet of the intersection of the driveway and sidewalk or right-of-way.
- (c) **Front Yards.** No fence shall be erected, placed or extended in front of the front foundation wall of the primary structure. There are two exceptions:
 - (1) Along a side property line where a residential ~~lot-use~~ abuts a lot containing a non-residential use, upon determination by the Building Commissioner that such a fence does not obstruct the view of vehicle or pedestrian traffic or constitute a hazard. Maximum height of such fence is ~~thirty-six (36)~~forty-eight (48) inches above grade. Fence must be a minimum of twelve (12) inches from the right of way.
 - (2) A fence erected in the front yard and parallel to the public right of way may be permitted provided that:
 - A. The maximum height shall be thirty-six (36) inches above grade.
 - B. The maximum length of the fence shall not exceed fifty-five percent (55%) of the foundation wall of the primary structure facing the public right of way.
 - C. The maximum distance from any portion of the primary structure, including porches, shall be eight (8) feet.
 - D. The minimum distance from the public right of way shall be ten (10) feet.
 - E. No gate shall be included in the fence.
- (d) **Rear and Side Yards.** A fence a maximum of ~~ninety-six (96)~~seventy-two (72) inches above grade may be installed. Whenever a rear or side yard of a residential use abuts a lot containing a non-residential use a fence a maximum of ninety-six (96) inches above grade may be installed provided any portion above seventy-two (72) inches is a minimum of twenty-five percent (25%) open to the through passage of light and air between abutting properties.

SUBSTITUTE: PLANNING COMMISSION COMMENTS (05/06/2021)

- (e) **Corner Side Yards.**
- (1) A fence a maximum of ~~thirty-six (36)~~**forty-eight (48)** inches above grade and a minimum of fifty percent (50%) open to the through passage of light and air may be erected between the public or private right-of-way and the building or setback line provided that it is a minimum of twelve (12) inches from the right of way.
 - (2) In the area ~~between the side foundation wall of the primary structure and of a corner side yard extending from the front foundation wall of the building which is facing the street to which it is addressed, to the rear lot line, and from the side foundation wall to the building or setback line,~~ any type of fence otherwise permitted in a side yard, except a chain link fence, may be installed as regulated by this Chapter. For the purposes of this Section, the maximum building or setback line shall be five (5) feet.

1153.04 ADDITIONAL FENCE REGULATIONS.

- (a) Fences shall be of durable materials conforming to accepted industry standards for fencing materials and display a finished face toward adjacent streets and properties and shall not be adorned with signs, graphics, or paintings of any kind.
- (b) All repairs or partial replacements to any part of an existing fence must match and conform to the existing size, shape, materials, and color or the entire fence shall be replaced completely.
- (c) Fences and living fences immediately adjacent to a property line shall not be included in the calculation of total principal or accessory structure lot coverage.
- (d) Fences enclosing swimming pools shall be permitted, pursuant to Section 1722.08.
- (e) A security fence is permitted as regulated by Section 1159.05(i)(1).
- (f) Barbed wire and/or razor fences:
 - (1) Are prohibited in residential and commercial zoning districts;
 - (2) Are permitted in industrial zoning districts provided that such fences shall be of chain link construction topped with barb arms with no more than three (3) strands of barbed wire; said arms to be no less than seventy-two (72) inches and no more than ninety-six (96) inches above grade.
- (g) Temporary construction fence for the protection of pedestrians during excavation and construction shall be approved by the Building Commissioner as part of the demolition or construction plan (See Ohio Building Code Chapter 33 for guidance). Temporary construction fencing shall remain in place until construction and all inspections are complete as certified by the Building Commissioner and must be removed upon such certification.
- (h) Fences are permitted in Planned Development Districts pursuant to Section 1156.05(k).
- (i) The Building Commissioner may require Architectural Board of Review (ABR) review and approval of any fence design. ABR shall consider fence designs depicted in the most recent edition of the American Institute of Architects' "Architectural Graphic Standards" and the development of adjacent, contiguous, and neighboring buildings, and properties in order to achieve the purposes of the ABR as set forth in Chapter 1325.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all 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 including R.C. Section 121.22.

Section 5. 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 the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

SUBSTITUTE: PLANNING COMMISSION COMMENTS (05/06/2021)

Adopted: _____

Daniel J. O'Malley, Council President

Maureen M. Bach, Council Clerk

Approved: _____

Meghan F. George, Mayor