

**MINUTES
PLANNING COMMISSION
CITY OF LAKEWOOD
12650 DETROIT AVENUE
AUDITORIUM
MAY 2, 2024
6:00 P.M.
RECORDED**

<https://www.lakewoodoh.gov/videos-2/>

- 1.
2. **ROLL CALL**

Members Present

Hannah Gall
Nicholas LaPointe, Vice Chair
Sean McDermott, Chair
Kyle Reisz
William Sanderson

Staff Present

Michelle Nocht, Senior Planner
Jennifer Swallow, Executive Assistant Law Director
Mark Papke, City Engineer

3. **APPROVE THE MINUTES OF THE APRIL 4, 2024 MEETING**

A motion was made by Mr. LaPointe, seconded by Mr. Reisz to **APPROVE** the April 4, 2024 meeting minutes. All the members voted yea; the motion passed.

4. **OPENING REMARKS**

Opening Remarks were not read into record.

NEW BUSINESS

LOT SPLIT/LOT CONSOLIDATION

5. **Docket No. 05-17-24
12991 Clifton Blvd.**

Kyle L. Johns, KJ Architecture, applicant requests approval for reconfiguring boundary for three properties (PPN 31227031, 31227030, and 31227029), pursuant to Section 1155.07 – lot splits and Section 1155.06 – lot consolidations. Property is located in the R2, Single- and Two-Family district. (Page 2)

Mitch Mikolilic and Kyle L. Johns, KJ Architecture were present to explain the request. Ms. Nocht provided background information, no zoning variances were required, a new curb cut was needed. Per the applicants, the new curb cut and removal of a tree were approved by the Public Works Department. Administration recommended approval contingent upon completion of the reconfiguration/separation of the garage, inspection, and resubmission of the plat with changes per Engineer Review. Public comment was taken. Comment from LakewoodAlive was received prior to the meeting (made part of record). The commissioners commented on the following items.

- Who is the surveyor for the project? Mr. Papke provided the information and explained the process.
- Asked for specifics about the existing driveways and proposed driveway.
- If the tree lawn trees in the tree lawn were damaged, would new ones be planted?
- Requested the removal of the deed access to/from Nicholson Ave.

- Questioned Arborvitae extended to the sidewalk. There was legislation regulating living fences.

A motion was made by Mr. McDermott, seconded by Mr. LaPointe to **APPROVE the request with the following conditions:**

1. **Removal of the existing driveway on the east side of 12981 Clifton Blvd. at such time as appropriate.**
2. **Any cross access rights from Nicholson Ave. to 12981 Clifton Blvd. shall be extinguished in title if they exist.**
3. **Reconfiguration/separation of the garage as demonstrated in the application.**
4. **Resubmission of the Plat to the Engineer for review.**

All the members voted yea; the motion passed.

OLD BUSINESS

COMMUNICATION

6. **Docket No. 03-10-24**
Communication from Planning and Development Staff
Amend Ordinance: Medical and Adult Use Marijuana Dispensaries in Commercial Districts

On February 20, 2024, City Council met to amend Schedule 1129.02 Permitted uses in commercial districts and Chapter 1165 Medical Marijuana Dispensaries, of the Codified Ordinances of the City of Lakewood and to permit Medical and Adult Use Marijuana Dispensaries in Commercial Districts. Ordinance No. 42-2023 was referred to the Planning Commission for its review. (Page 18)

Ms. Swallow was present to explain the reasoning and process for the recommended amendments and stated that municipalities had the right to limit the number of dispensaries and talked about proposed businesses in other communities. Public comment was given by Dan Shaker, an associate of RISE dispensaries. Discussion continued about the maximum number of allowable dispensaries (1165.03(e); drive-throughs, kiosks, and curbside service (1165.04(f)); and hours of operation (in the business code).

A motion was made by Mr. McDermott, seconded by Ms. Gall to **REFER TO CITY COUNCIL for approval with recommendations:**

- **In section 1165.03(e), fill the blank with the quantity of three (3) marijuana dispensaries to three (3).**
- **In 1165.04(f) revise language to say that dispensaries do not have drive-throughs. Remove all other wording as formerly drafted. Fix formatting in the next sections (g) and (h).**
- **Hours of operation, include a clause that regulates hours of operation in the zoning code to 7:00 a.m. to 9:00 p.m. as currently reflected in the business code, duplicate that in the zoning code, but then add a provision for conditional use approval for extended business hours from 9:00 p.m. to 11:00 p.m.**


All of the members voted yea; the motion passed.

ADJOURN

Mr. McDermott **ADJOURNED** the meeting at 6:23 p.m.



Signature



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. Mitch Mikolajic

2. Kyle Jotner

3. Dan Suter

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

[Signature]

[Signature]

[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 2, 2024

Johanna Schwarz

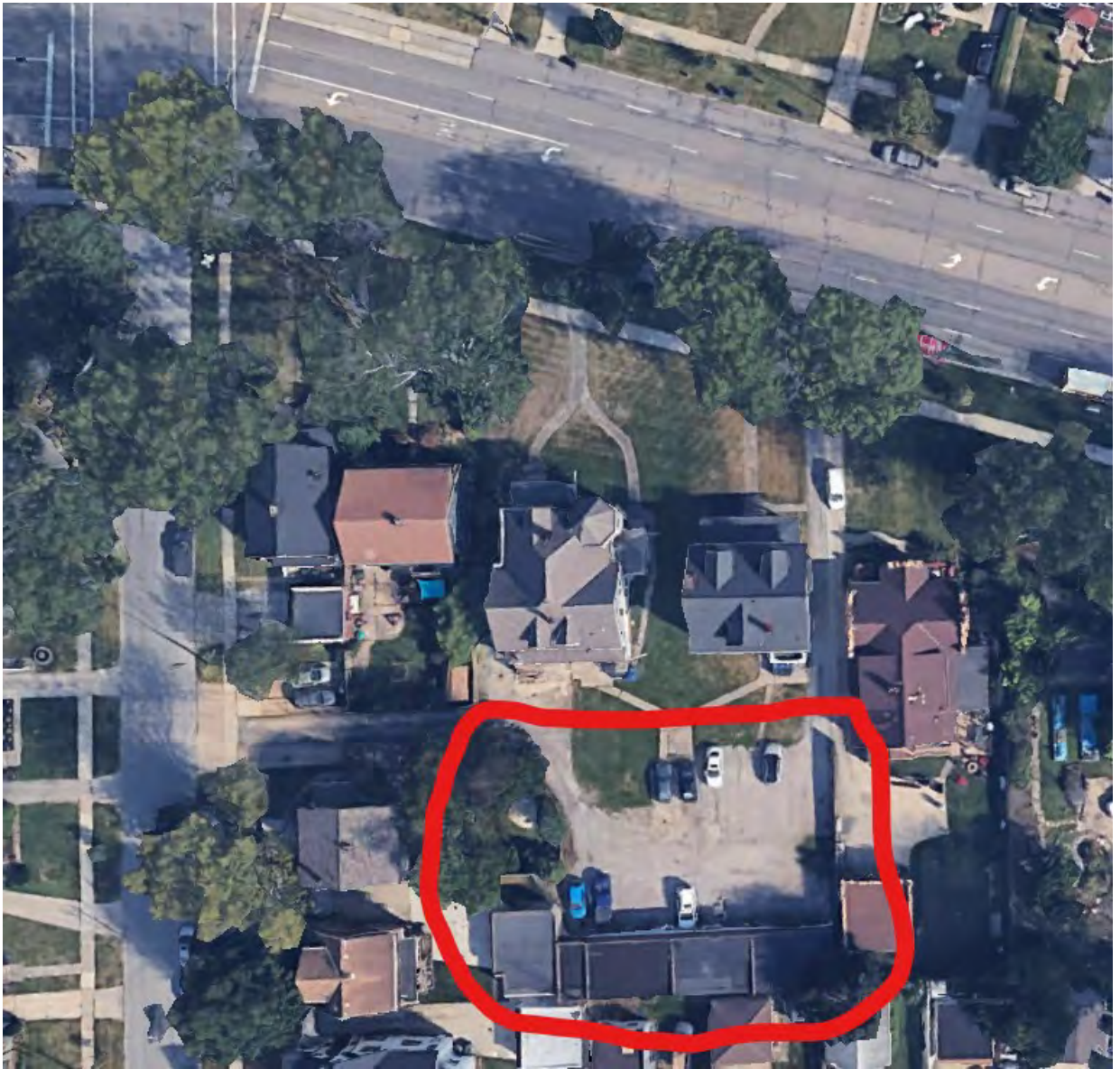
From: Brian Meng <bmeng@bialosky.com>
Sent: Wednesday, May 1, 2024 2:53 PM
To: Johanna Schwarz; David Baas; Amanda L. Cramer
Cc: Ian Andrews; 'Amy Haney'
Subject: RE: Amended Planning Commission Agenda

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

Joanna,

On behalf of Lakewood Alive we wanted to provide comments and observations to the projects on the current Lakewood Planning Commission agenda for the 05/02/2024 Meeting.

- Docket No. 05-17-24 – 12991 Clifton Boulevard
 - The site plan within the submittal shows two “existing” garages that do not cross the proposed new parcel lines. However, the images within the agenda and via google earth aerial views show additional existing garages PPN 312-27-030 and PPN 312-27-31. Can the applicant clarify if these have already been demolished or if they will be upon approval of the lot split/consolidation?
 - Can the applicant also confirm what modifications if any will occur to the existing asphalt paving behind PPN 312-27-030,



○

- Docket No. 03-10-24 – Communication from Planning and Development Staff
 - No comment

We truly appreciate the opportunity to share our thoughts with you on these applications. If you have any questions on our comments, please let us know and we would be happy to discuss further.

Thank you,

BRIAN MENG RA, LEED AP
Principal | Architect

BIALOSKY Always By Design.

P 216-767-2023

From: Ian Andrews <iandrews@lakewoodalive.org>
Sent: Wednesday, May 1, 2024 2:49 PM
To: 'Amy Haney' <amyjhaney@gmail.com>; Brian Meng <bmeng@bialosky.com>
Subject: FW: Amended Planning Commission Agenda

Ian Andrews
Executive Director
LakewoodAlive
12815 Detroit Avenue
Lakewood, OH 44107
216-521-0655



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Upcoming Events:

- [4/28 – The Lakewood Tool Box Tool Sale](#)
- [5/2 – Knowing Your Home: Backyard Composting 101](#)
- [6/7 – Front Porch Concert Series: Jacob Johnson](#)
- [6/8 – 10th Annual Birdtown Picnic](#)
- [6/14 – Front Porch Concert Series: Alla Boara Quartet](#)
- [6/21 – Front Porch Concert Series: Liz Bullock](#)
- [6/28 – Front Porch Concert Series: Bassel & the Supernaturals](#)
- [7/20 – 16th Annual Lakewood Summer Meltdown](#)



From: Johanna Schwarz <Johanna.Schwarz@lakewoodoh.gov>
Sent: Wednesday, May 1, 2024 2:02 PM
To: Johanna Schwarz <Johanna.Schwarz@lakewoodoh.gov>
Subject: Amended Planning Commission Agenda

Good afternoon,

The back-up documents were amended for Docket No. 03-10-24.

Here is the link to the amended agenda.

https://www.lakewoodoh.gov/wp-content/uploads/2017/04/PCAgenda_050224A.pdf

Thank you.

Johanna Schwarz

Administrative Assistant II

City of Lakewood
Department of Planning and Development
12650 Detroit Avenue
Lakewood, Ohio 44107

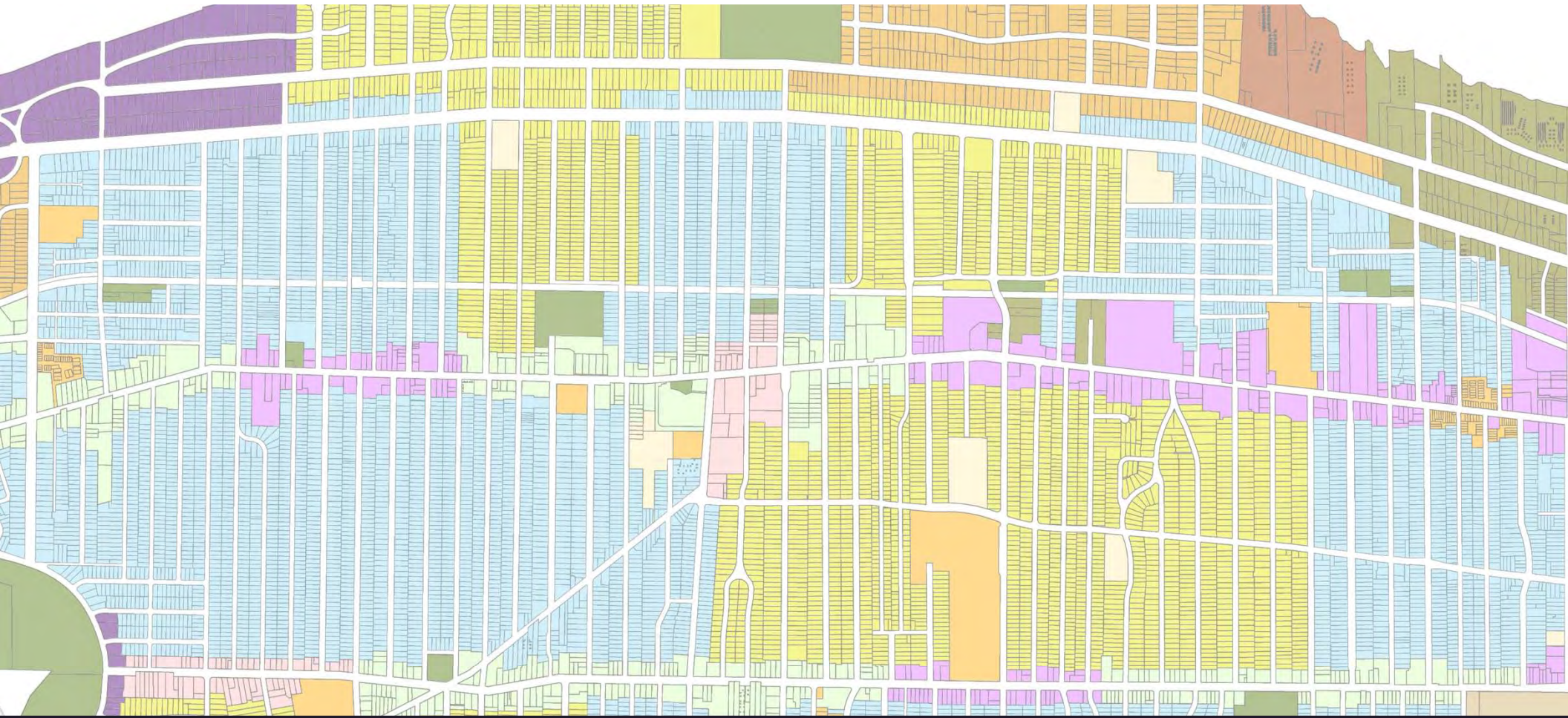
(216)529-6630 main

(216)529-6631 office

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Planning Commission

May 2024



Planning Commission **May 2024 Agenda**

1. Roll call
2. Adoption of minutes – April 2024 meeting
3. Opening Remarks
4. 05-17-24: 12991 Clifton (Lot Split/Consolidation)
5. 03-10-24: Communication (Medical and Adult Use Marijuana Dispensaries)
6. Adjourn



Docket 05-17-24 – 12991 Clifton
Lot Split/Consolidation



Request (05-17-24)

The review and approval of a **lot split/consolidation** pursuant to:

- Chapter 1155 – Subdivision Regulations.

Property is in a R2, Residential (Single and Two Family) District.

12991 Clifton Blvd



12991 Clifton

Clifton Blvd Lake Erie Coastal Ohio Trail Clifton Blvd

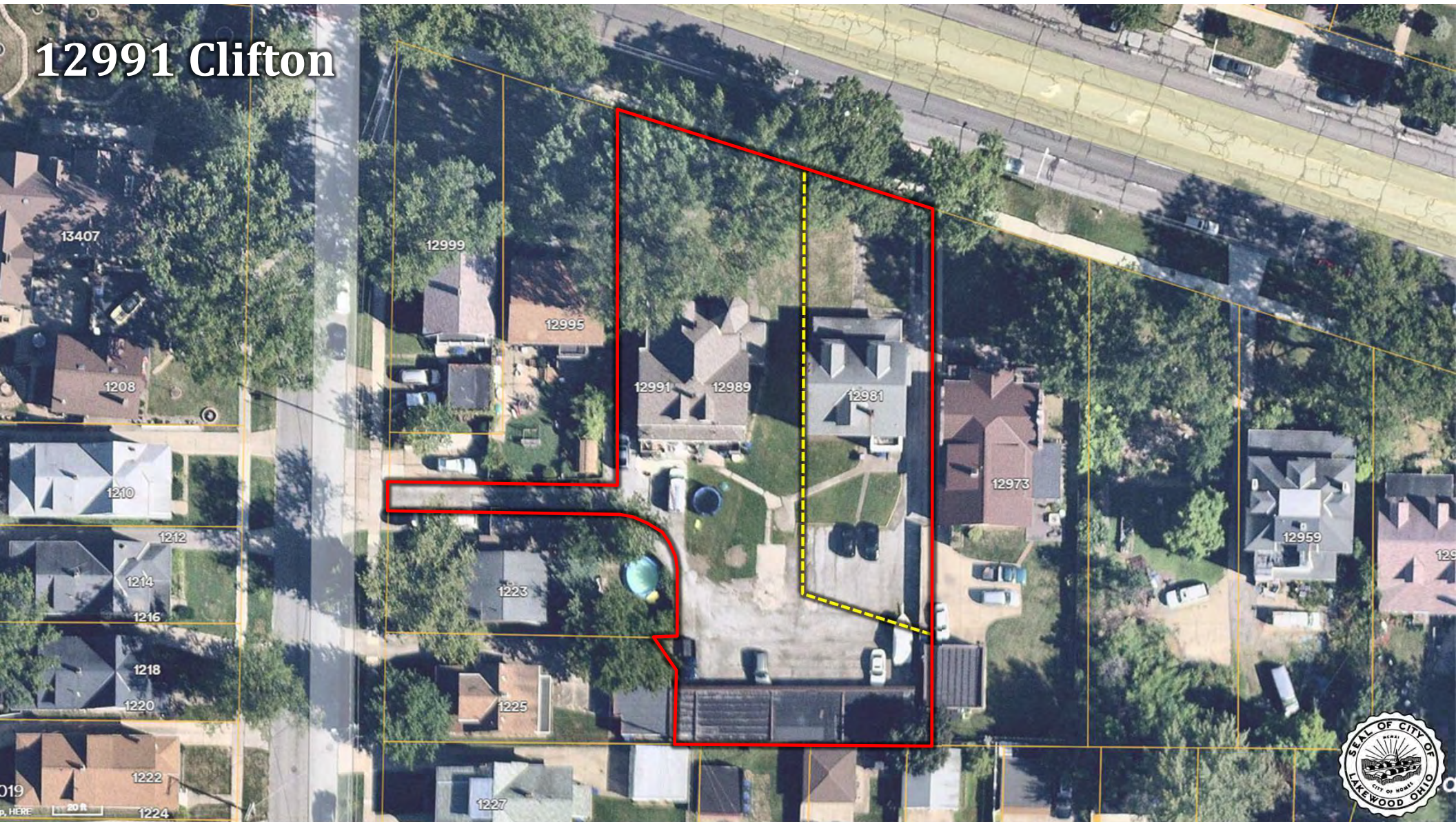
Nicholson Ave

Clifton Blvd Lake Erie Coastal Ohio Trail Clifton Blvd

Cliff



12991 Clifton



LOT SPLIT & CONSOLIDATION PLAT

SITUATED IN THE CITY OF LAKEWOOD, COUNTY OF CUYAHOGA, AND STATE OF OHIO,
AND BEING PART OF ORIGINAL ROCKPORT TOWNSHIP LOT NUMBER 57, SECTION 21.

PLAT INTENT:

THE INTENT OF THIS PLAT IS TO ADD SPACE TO THE WEST SIDE OF THE WEST AND SOUTH SIDES OF PARCELS A1 & A2 AS SHOWN HEREON.

MITCHELL MIKOLETIC & MACY CLAYTON ACCEPTANCE:

BE THE PROVISIONAL OWNER OF THE WEST PLATED LOTS OF NEAREST CORNER TO AND ACCEPT THE SEPARATION OF THE LOTS AS SHOWN HEREON.

DATE: _____

ADDRESS: _____

CITY OF LAKEWOOD

STATE OF OHIO
COUNTY OF CUYAHOGA
I, _____, Surveyor, do hereby certify that I am a duly qualified Surveyor in and for said County and State, personally witnessed the above named Mitchell Mikoletic & Macy Clayton, and acknowledged that the contents of the foregoing instrument are a voluntary act and deed, in testimony whereof, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 20____.

STATE OF OHIO

DAVID MALINA & DEBRA PECKA MALINA ACCEPTANCE:

BE THE PROVISIONAL OWNER OF THE WEST PLATED LOTS OF NEAREST CORNER TO AND ACCEPT THE SEPARATION OF THE LOTS AS SHOWN HEREON.

DATE: _____

ADDRESS: _____

CITY OF LAKEWOOD

STATE OF OHIO
COUNTY OF CUYAHOGA
I, _____, Surveyor, do hereby certify that I am a duly qualified Surveyor in and for said County and State, personally witnessed the above named David Malina & Debra Pecka Malina, and acknowledged that the contents of the foregoing instrument are a voluntary act and deed, in testimony whereof, I have hereunto set my hand and official seal at _____, Ohio, this _____ day of _____, 20____.

STATE OF OHIO

APPROVALS:

THIS PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, OHIO, THIS _____ DAY OF _____, 20____.

PLANNING COMMISSION CHAIR: _____

PLANNING COMMISSION CLERK: _____

THIS PLAT IS HEREBY APPROVED BY THE CITY COUNCIL OF THE CITY OF LAKEWOOD, OHIO, THIS _____ DAY OF _____, 20____.

CITY CLERK: _____

SURVEYOR'S CERTIFICATION:

I HEREBY DECLARE THAT I AM A DULY QUALIFIED SURVEYOR AND I HEREBY CERTIFY THAT THE CONTENTS OF THIS INSTRUMENT ARE A VOLUNTARY ACT AND DEED, IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL AT _____, OHIO, THIS _____ DAY OF _____, 20____.

DRAFT FOR REVIEW

APPROVED BY: _____ DATE: _____

LINE DATA

LINE	BEARING	DISTANCE
L1	N 24°02'00" E	13.00'
L2	S 89°57'00" E	10.00'
L3	N 83°52'00" W	11.00'
L4	N 10°49'00" E	30.00'

ACREAGE TABLE

PARCEL	ORIGINAL AREA	NEW AREA
11-1-1-01	0.1716 ACRES	0.2044 ACRES
11-1-1-02	0.2134 ACRES	0.2450 ACRES
11-1-1-03	0.3261 ACRES	0.3394 ACRES



MEMO

To: City of Lakewood, Planning and Development Department
From: David Malina and Debra Pecka Malina, Property Owners of PPN 312-27-029
Date: Monday, March 18, 2024
Subject: Parcel expansion


To whom it concerns,

We are writing to inform the appropriate parties of our recognition and agreement with the prospective lot changes being proposed by Mitchell Mikoletic and Macy Clayton, the Property Owners of PPN's 312-27-030 and 312-27-031, and have provided our understanding and confirmation below.

To confirm, we have requested and Mitchell and Macy have agreed to extend the westerly lot line of our property by three (3) feet to the west. This will allow us to expand our driveway, thus allowing us to have a dedicated drive for our home. Concurrent to this, Mitchell and Macy intend on moving the current driveway for PPN 312-27-030 to the west side of the residence.

We would appreciate the City of Lakewood's approval to move the property line residing between PPN's 312-27-029 and 312-27-030, three (3) feet to the west. We appreciate your time and attention to this matter.

Thanks,


[David Malina \(Mar 18, 2024 09:29 PDT\)](#)

David Malina, Property Owner
Cell: 901-270-9901
Email: ddmalina1@gmail.com


[Debra Pecka Malina \(Mar 18, 2024 09:31 PDT\)](#)
Debra Pecka Malina, Property Owner
Email: dmalina01@gmail.com







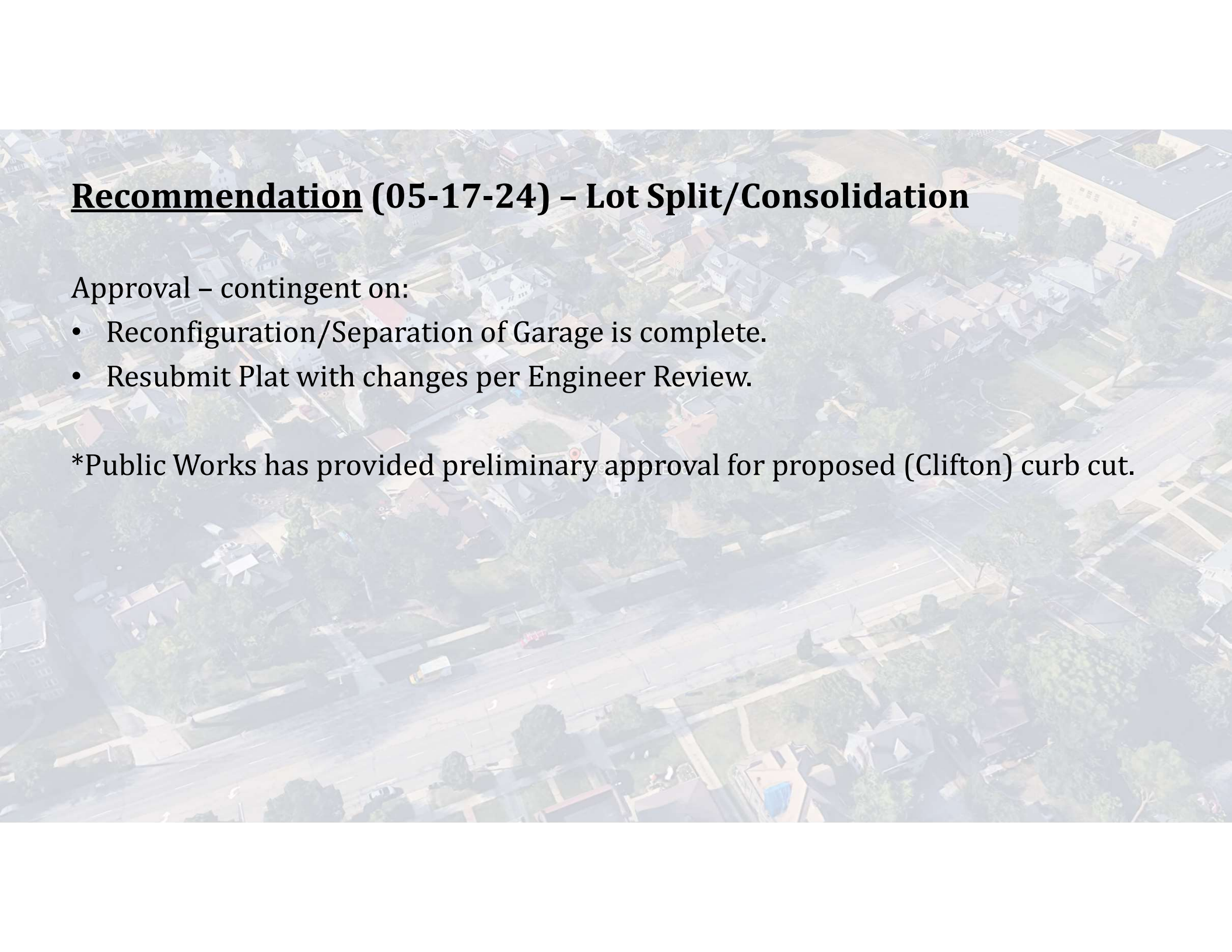












Recommendation (05-17-24) – Lot Split/Consolidation

Approval – contingent on:

- Reconfiguration/Separation of Garage is complete.
- Resubmit Plat with changes per Engineer Review.

*Public Works has provided preliminary approval for proposed (Clifton) curb cut.

1155.03 GENERAL REQUIREMENTS.

(a) Plat Drawing. The plat drawing shall be prepared in accordance with Ohio Administrative Code Chapter 4733-37 (Minimum Standards for Boundary Surveys in the State of Ohio) by a professional surveyor registered in Ohio. It shall be drawn on polyester drafting film (mylar) with India ink to an appropriate scale. It shall be not smaller than eighteen (18) inches by twenty-four (24) inches or larger than twenty-four (24) inches by thirty-six (36) inches and shall contain the following:

- (1) Overall dimensions of the existing parcel(s) and the length and direction of each new lot line, street or easement.
- (2) Monuments set along the subdivision boundaries and street center line control points within the subdivision.
- (3) Sublot or parcel numbers/letters in progressive order, utilities and drainage easements and building lines.
- (4) Surveyor's certification and reproducible seal.
- (5) Permanent parcel number, owner's name and current deed volume and page for all adjoining parcels.
- (6) Owner's acceptance of plat and subdivision and (where necessary) statement offering dedication of streets, rights-of-way and any sites reserved by deed covenants for common use.
- (7) Approval clauses for Commission (Chairman and Secretary), Engineer and **City** Council (Clerk), where applicable.



1155.07 PROCEDURES FOR LOT SPLITS.

(a) Application. A lot split map based on field survey prepared by a professional surveyor registered in the State of Ohio showing existing structure(s) on the parcel(s) involved and the proposed lot line change shall be submitted to the Director prior to the deadline established by the Commission by rule.

(b) Review by Engineer. The Director shall submit the preliminary plan and plat to the Engineer for review and if it is satisfactory, the Engineer shall so certify the approval thereon.

(c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the **Code**. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.

(1) If any proposed lot or parcel does not fully conform with the provisions of the **Code**, the Commission shall refer the application to the Board with the request that the Board determine whether the applicant should be entitled to a variance from strict compliance with the provisions of the **Code** which the proposed lot split violates. Upon review and the decision of the Board, the proposed lot split shall be returned to the Commission for its final review and approval, disapproval or modification.

(2) The Commission may disapprove the plan where it finds that the proposed use is not consistent with the **Vision**; findings supporting such disapproval shall be stated on the record and forwarded to the applicant within fourteen (14) calendar days.

(3) Upon approval by the Commission, the applicant has 180 days to provide a final plat to the Engineer. Failure to provide the aforementioned plat will cause the decision of the Commission to be null and void. The Commission for good cause may extend the aforesaid 180 day period.

(d) Recording. The approved plat shall be filed and recorded in the offices of the County Auditor and County Recorder by an authorized representative of the **City** with thirty (30) days after final approval.

(e) Fees. A review and recording fee, established pursuant to Section [1173.06](#) shall be included with the application.

(Ord. 24-98. Passed 5-18-1998.)



1123.06 LOT AREA AND FRONTAGE REGULATIONS.

No lot shall be less than 5,000 square feet in area and less than forty (40) feet in width at the building line.

1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07...

- Front Yard Depth (feet) - As established on the Building Line Map...
- Rear Yard Depth (feet) - 40
- Side Yard Depth (feet) - 5
- Minimum Sum of Both Side Yards (feet) - 15

1123.10 ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

(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.

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

The required number of off-street parking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this chapter. Parking in accordance with the schedule is required.

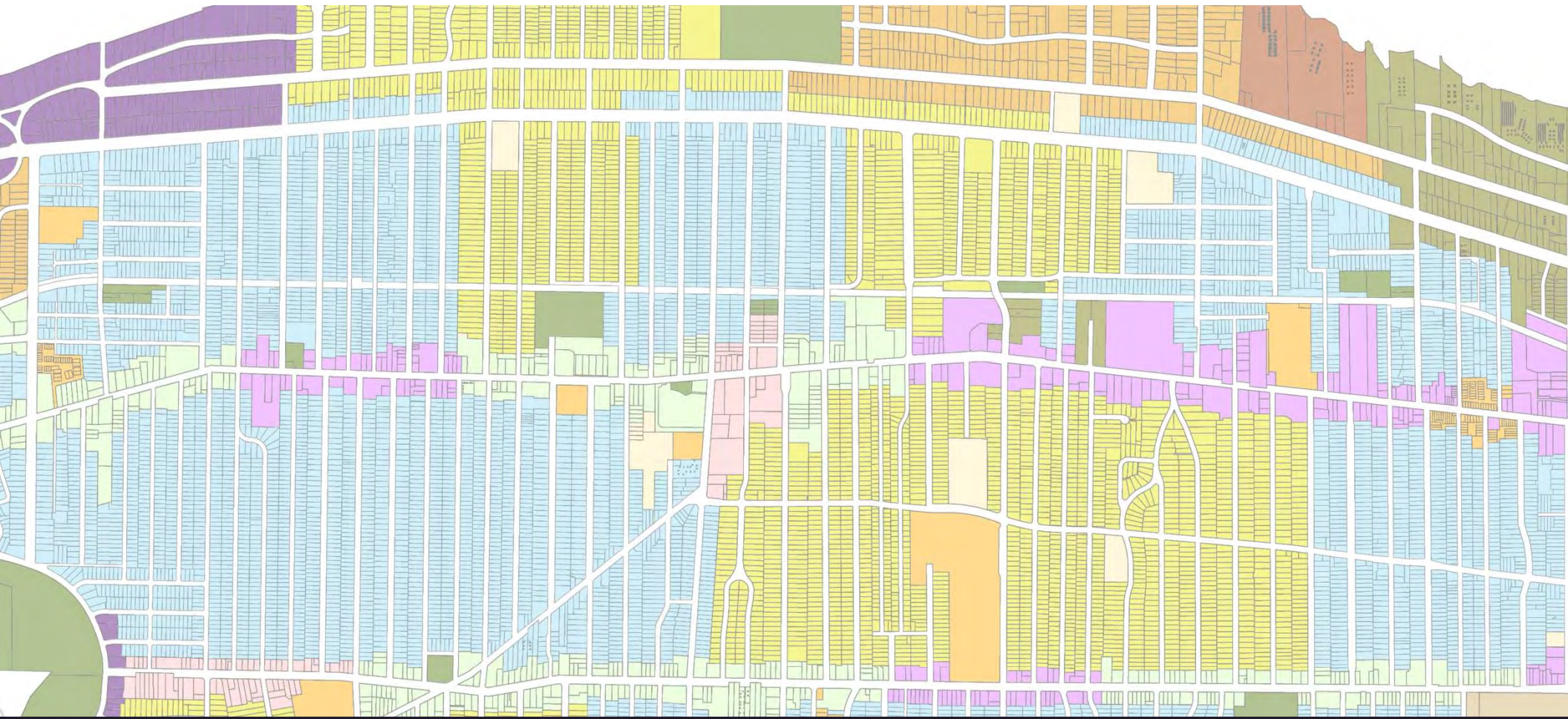
Uses

Residential (Single-, Two-, Three-Family)

Parking Space Requirement

Min. 1/dwelling unit; no max; **1 required space shall be in a garage.**





Docket 03-10-24
Communication (Medical/Adult Use Marijuana)

Request (03-10-24)

The review/amend of **Ord. 42-2023 (Medical/Adult Use Marijuana)** pursuant to:

- Chapter 1165 - Medical Marijuana Dispensaries









City of Lakewood

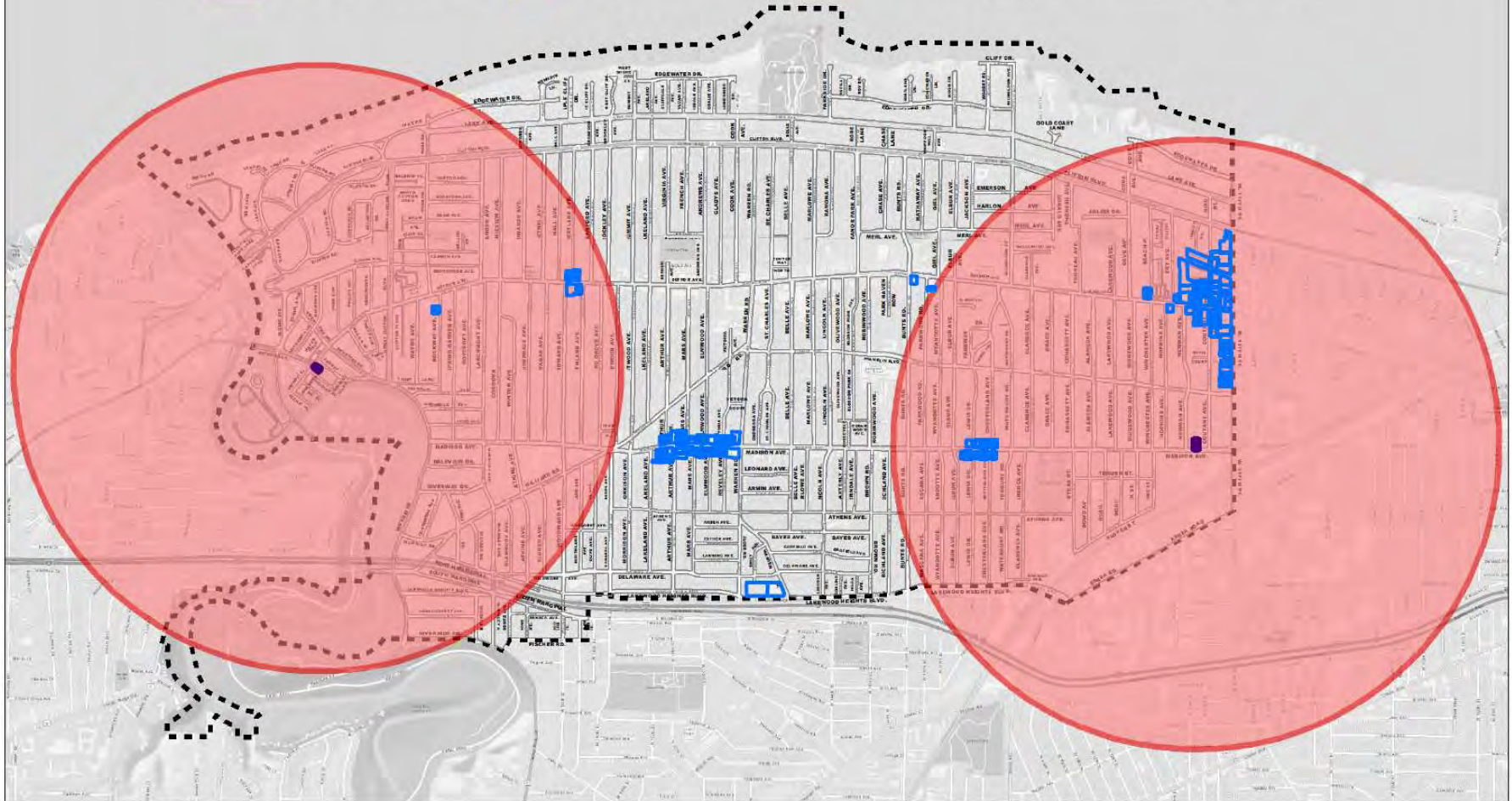
DEPARTMENT OF LAW

Adult Use Facility 1-Mile Buffer Map



April 2024

-  Existing Adult Use Location
-  Eligible Parcel Boundaries
-  1-Mile Buffer
-  Lakewood Municipal Boundary





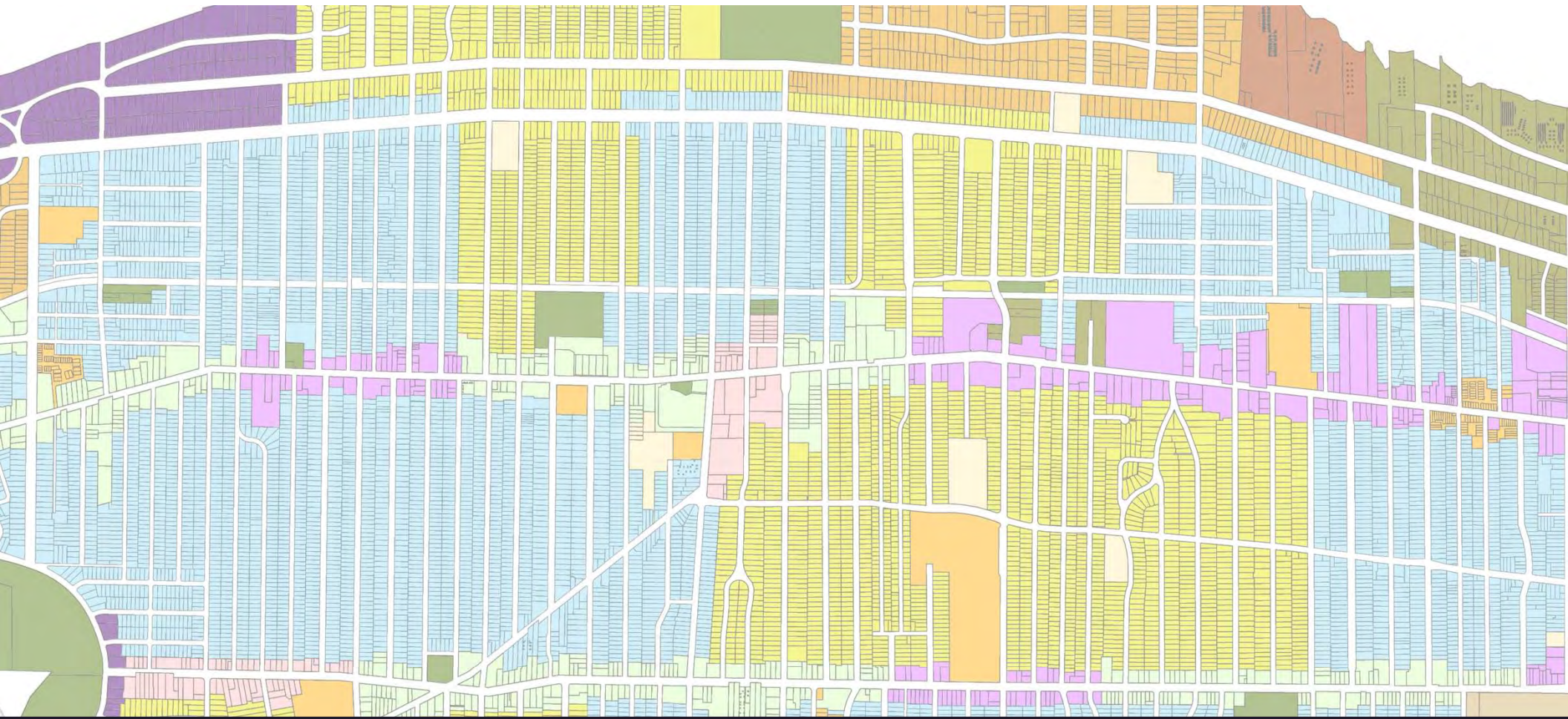
Reminder:

- Special joint meeting with ABR at 5:30pm on Thurs/May 23rd
(Downtown Development)



Planning Commission

May 2024



Planning Commission

May 2024