

**MINUTES
PLANNING COMMISSION
NOVEMBER 5, 2020
CITY OF LAKEWOOD
7:00 P.M.
REMOTE MEETING - RECORDED**

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/

The meeting was called to order at 7:00 p.m.

1. Roll Call

Members Present

Kyle Baker, Chair
Nathan Kelly
Kyle Krewson, Vice Chair
Jeffrey Wise
Monica Jordan

Others Present

Katelyn Milius, Planner, Secretary
Jennifer Swallow, Executive Assistant Law Director
Shawn Leininger, Director of Planning and Development

2. Approve the Minutes of the October 1, 2020 Meeting

A motion was made by Mr. Krewson, seconded by Mr. Baker to **APPROVE** the October 1, 2020 meeting. All the members voting yea, the motion passed.

3. Opening Remarks

Mr. Baker waived the Opening Remarks, stated the Commission Members ("members") were volunteers, and advised the public to send notice through the chat function if one wanted to address a particular docket item.

NEW BUSINESS

RECOMMENDATION TO DESIGNATE

**4. Docket No. 11-46-20
11794-11816 Detroit Avenue
Homestead Block**

The Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the properties located at 11794-11816 Detroit Avenue, Homestead Block, (PPN 312-33-015) as an historic property (HP), pursuant to Chapter 1134. The property is located in a C3 - Commercial, General Business district. (Page 3)

Michael Fleenor, Historic Preservation Group, was present to explain the request. Administrative staff (“staff”) provided a summary of the request; items 1 and 4 under “Considerations for Nominations” and items 1 and 2 under “Additional Considerations” had been selected. Public comment was taken. The members had no questions. The members stated the HP designation would pertain only to the exterior of the building.

A motion was made by Mr. Baker, seconded by Mr. Kelly to **DESIGNATE the properties HP** as requested. Mr. Baker, Mr. Krewson, Ms. Jordan, Mr. Wise, Mr. Kelly voting yea, the motion passed.

CONDITIONAL USE

5. Docket No. 11-47-20 16712 Edgewater Drive

John McCarty, PhDetailing, LLC, requests a conditional use permit for a Type B home occupation to operate an auto detailing business within the attached garage. Pursuant to chapter 1145 and section 1161.03(f). The property is in an R1H – Single-Family, High Density district. (Page 24)

Staff said that after conversations with the applicant, it was determined there would be no more than one customer vehicle at a time, no customers would be coming to the house to drop-off or pick-up vehicles, work would be done in one bay of the garage with the garage door closed, no customer vehicles would be parked on the street, and cars would be washed at the commercial location. The request was changed to a Type A home occupation because there are no employees, customers would not be coming to his home, and work would be done within the residential structure. Type A home occupations are a permitted use in this district. If the applicant did not comply within the regulations under 1145.02, a complaint could be filed with the Division of Housing and Building (“H&B”). Public comment was closed as no one addressed the issue. Written comment had been reviewed and would be made part of record. There were no questions or comments from the members.

A motion was made by Mr. Krewson, seconded by Ms. Jordan to **TABLE** the request. Mr. Baker, Mr. Krewson, Ms. Jordan, Mr. Wise, Mr. Kelly voting yea, the motion passed.

CONDITIONAL USE

6. Docket No. 11-48-20 1362 Manor Park Avenue Ludo Studio

Sarah Castel of Ludo Studio requests a conditional use permit for a Type B home occupation. Pursuant to chapter 1145 and section 1161.03(f). The property is in an R1H – Single-Family, High Density district. (Page 25)

Sarah Castel, Ludo Studio was present to explain the request. Staff provided a code analysis of the proposal. Public comment was closed as no one addressed the issue. Written comment had been reviewed and would be made part of record. The members has no questions or comments.

A motion was made by Ms. Jordan, seconded by Mr. Wise to **APPROVE** the request for a Type B Home Occupation permit. Mr. Baker, Mr. Krewson, Ms. Jordan, Mr. Wise, Mr. Kelly voting yea, the motion passed.

CONDITIONAL USE

7. Docket No. 11-49-20 16300-16400 Detroit Avenue Trinity Church Properties

John Holtz of Dimit Architects requests a conditional use permit for a mixed-use overlay district at 16300-16400 Detroit Avenue. The project includes the renovation of the church and commercial storefronts, the transformation of the classrooms to eight apartments and the construction of a nine-unit residential carriage house. Pursuant to chapter 1135, Mixed Use Overlay District and section 1161.03 (v). The property is in a C3 - Commercial, General Business district. (Page 35)

John Holtz, Dimit Architects was present to explain the request. Staff presented an analysis of proposal and suggested the item be deferred to allow for more time to discuss and address the required parking spots, landscaping buffer, setbacks, parking and traffic management proposal, etc. Written comment was received and would be made part of record. Public comment was closed as no one addressed the issue. The members wanted information about the traffic and managing plan, the number of parking spots, landscaping buffers and tree plantings, carriage house and church classroom addition setbacks, stormwater management, outdoor dining, population density of the neighborhood, provision for bicycle parking, wanted data from the city's parking study, location of the dumpster and its disposal, obtaining agreements with neighboring businesses for parking, an additional dumpster was needed for the carriage house and/or retail. Mr. Leininger said the issues of concern were expressed by the Architectural Board of Review ("ABR") at its pre-review meeting. Staff said additional information was needed about the parking and traffic management.

A motion was made by Mr. Krewson, seconded by Ms. Jordan to **DEFER** the request. Mr. Baker, Mr. Krewson, Ms. Jordan, Mr. Wise, Mr. Kelly voting yea, the motion passed.

CONDITIONAL USE

8. Docket No. 11-50-20 15527 Madison Avenue Barrio

Sean Fairbairn of Barrio requests review of a conditional use permit for outdoor dining in the rear parking lot; change the status of a temporary patio to a permanent one, approved at the August 6, 2020 meeting. Pursuant to section 1161.03(t) – outdoor/seasonal dining facility. The property is in a C2 - Commercial, Retail district. (Page 61)

Prior to the review meeting, staff had disclosed there were issues with the proposal and recommended a deferral.

A motion was made by Mr. Baker, seconded by Ms. Jordan to **DEFER** the request. All the members voting yea, the motion passed.

CONDITIONAL USE

9. Docket No. 11-51-20 15625 Detroit Avenue Lindy's Lake House

Patrick Granzier of NCR Ventures, Lindy's Lake House is applying for a conditional use permit to allow the operation of a parklet on Westwood Avenue; a conditional use for 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 temporary. The property is in a C2 – Commercial, Retail district. (Page 72)

Prior to the review meeting, staff had disclosed there were issues with the proposal and recommended a deferral.

A motion was made by Mr. Baker, seconded by Ms. Jordan to **DEFER** the request. All the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. Wise, seconded by Mr. Baker to **ADJOURN** the meeting at 8:00 P.M. All the members voting yea, the motion passed.

Katelyn Miluis
Signature (on behalf of chair)

12/3/2020
Date

Johanna Schwarz

From: Sandy Borrelli <sandy@bellacapelli.com>
Sent: Monday, November 2, 2020 12:25 PM
To: Planning Dept; Sandy Borrelli
Subject: neighboring property 16712 Edgewater drive

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

Dear Katelyn,

I am responding to the request for John McCarthy, PhDetailing, LLC request to operate a business from his residence at 16712 Edgewater drive.

The pandemic has caused many people to re-define their lives in ways they did not expect. Between offices closing, homeschooling and families attempting survival in ways they never anticipated.

I have been a Lakewood resident since 1980 when I chose to raise my daughter in a community of diversity, great schools and significantly beautiful real estate.

At that time I was a divorced hairdresser, trying to make ends meet during difficult economic times. I worked at a Lakewood Salon, enrolled my daughter in Lakewood daycare and yes, I cut hair in my basement on my day off to survive the economic hardships of the 80's. I purchased my first home on Clarence Avenue for \$27,500, land contract with an 18% interest loan from a local bank.

I tell you this because I was always a "scrapper" if you will, figuring out how to survive a bad economy.

I am still that person, attempting to run a salon and spa with 45 employee's, navigating this pandemic and trying to survive this nightmare.

Fast forward to 2020. Families are recreating, reinventing and rebooting their lives in ways they would have never thought possible.

I now live at 1054 Kenneth and am a neighbor of The McCartys. I look at my street alone and 70%, YES, 70% of the homes have people working from home, AND teaching their children AND Trying to keep their families safe from COVID.

I believe desperate times call for desperate measures and anyone who dares to risk it all and open a business in this climate, I celebrate their fortitude and tenacity. I do not have a challenge with Johns detailing business.

If there are guidelines that need to be changed, we as a community must meet the needs of our rapidly changing economy. I am in hopes that we can support our Lakewood residents during this time of change while maintaining our great reputation as a compassionate, supportive community.

Yours in service,

Sandy Borrelli

1054 Kenneth drive

Lakewood, Ohio 44107

--

Sandy Borrelli

Bella Capelli Sanctuario

440-899-1225

Cell 216-287-0344

sandy@bellacapelli.com

sandy.borrelli@icloud.com

Johanna Schwarz

From: Manuel Valera <mjvalera37@gmail.com>
Sent: Wednesday, November 4, 2020 4:54 PM
To: Planning Dept
Cc: Planning Dept
Subject: 16712 Edgewater Drive .

Follow Up Flag: Follow up
Flag Status: Completed

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

I am a resident at 16910 Edgewater Drive since 1971 this has been a wonderful residential street with great friendly neighbors.

I am opposed to have a commercial business at the above address .

Sincerely

Manuel Valera

Sent from my iPad

Johanna Schwarz

From: Mike McMahon <mike.mcmahon.504@gmail.com>
Sent: Wednesday, November 4, 2020 4:56 PM
To: Planning Dept
Cc: Aaaahome
Subject: Objection to detailing business.

Follow Up Flag: Follow up
Flag Status: Completed

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

I am the neighboring house 16712 Edgewater Drive, that is looking for a permit to run a detailing business from his garage. We fully object to this being considered for approval.

PLANNING
COMMISSION



16712 EDGEBWATER DRIVE, LAKWOOD, OH 44122-1671
www.ci.lakewood.oh.us

October 24, 2020

Docket No. 11-47-20
Re: 16712 Edgewater Drive

You are receiving this notice because you or one of your neighbors has a proposed project that will be voted on by the Planning Commission at their next meeting.

Project Location: 16712 Edgewater Drive

John McCarty, Professional LLC, requests a conditional use permit for a Type II home occupation to operate an auto detailing business within the attached garage. Pursuant to chapter 1165 and section 1161.03(B). The property is an RTH - Single-Family High Density district.

This item will be considered at a public hearing on **Thursday, 11/05/2020**. The next meeting of the Planning Commission will begin at **7:00 PM**.

Under the orders of the Governor and Director of Health of Ohio, the Planning Commission will meet remotely until further notice. The November 5, 2020 remote meeting information will be posted by 5 PM the day of the meeting at www.lakewood.com/recordings/planning-commission

If you are a neighboring property owner/occupant, the best way to comment on an agenda item during the time is to send an email to Edith@lakewoodoh.net or drop written comment off at City Hall by 12:00 PM on November 4, 2020. If you have any questions or concerns about this process, please call 216-579-6334 and we will get back to you as soon as possible.

If your building is currently occupied, please advise your tenants of the scheduled meeting or post this notice in an area of general use.

If you are the applicant pursuant to the rules of the Planning Commission, you or an authorized agent must appear at this meeting to have your request considered. If an agent is representing you, that agent must present written authorization in my attention, the Secretary of the Commission. If you fail to appear without requesting a continuance by contacting the Secretary of the Commission, you will be required to file a new application before your proposal is considered.

Sincerely,

Kathryn Maus

Kathryn Maus, Commission Secretary
Planning and Development

Mike and Laura McMahon
1066 Kenneth Drive
Lakewood, OH
2165134822

Sent from my iPhone

Johanna Schwarz

From: Steve Anthony <sdafbi89@hotmail.com>
Sent: Wednesday, November 4, 2020 7:04 PM
To: Planning Dept
Subject: 16712 Edgewater Drive

Follow Up Flag: Follow up
Flag Status: Completed

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

We received a letter concerning the conditional use permit for 16712 Edgewater Drive and are submitting this e-mail in opposition to the permit.

As background information, the requester has been running the business out of his garage since moving in several months ago. Vehicles have been parked in either the garage or driveway while performing the vehicle detailing. On at least one occasion several vehicles were parked in the street prior to being moved into the driveway for apparent detailing.

This is a residential street with low vehicular traffic and children playing in the front yard, near the street. On several occasions we witnessed the vehicles being driven at a high rate of speed.

As you can imagine, this is concerning given that this is a family oriented, residential neighborhood. As such we are opposed to any such approval of the request.

Sent from my iPad

Johanna Schwarz

From: Linda Canepa <lindrc4@gmail.com>
Sent: Thursday, November 5, 2020 8:53 AM
To: Planning Dept
Subject: Project 16712 Edgewater Drive

Follow Up Flag: Follow up
Flag Status: Completed

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To whom it may concern,

We have been residents of Lakewood for over 25 years (16724 Edgewater Drive). We have been here for many highs and lows of Lakewood but have always found living in this neighborhood unique and wonderful. We are writing today in opposition of allowing our neighbor, John McCarty, at 16712 Edgewater Drive, to receive a permit which would allow him to run an auto detailing business in our residential setting. Although we would like to support John and his family we feel having a business of this type would change the quality of our neighborhood and insert some dangers. We are fortunate to have some nice young families that have made the investment of moving to our neighborhood and also have young children. Many families in the area, especially during these times, walk or bike with their families and pets. We feel an increase in traffic would increase the risk of an accident. Also we are a fairly strong neighborhood with keeping in touch with each other and making each other aware of when people are on vacation and such to help keep our neighborhood connected. We feel the introduction of a business with people coming and going could be undesirable in the neighborhood that has worked hard to be aware of our surroundings in order to ensure the safety of all.

We also pay taxes, which are considered above average, because we feel our neighborhood is a unique and beautiful place. We would like to keep it that way and feel the introduction of this permit would be a step in the wrong direction in maintaining one of Lakewood's wonderful neighborhoods

Thank you, Charles and Linda Canepa

Johanna Schwarz

From: Pericles Drosos <pndrosos@gmail.com>
Sent: Thursday, November 5, 2020 10:37 AM
To: Planning Dept
Subject: Docket No. 11-47-20

Follow Up Flag: Follow up
Flag Status: Completed

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

Planning Commision

In response to the letter I received concerning a conditional use permit to operate an auto-detailing business. I oppose such a business being operated in my neighborhood, the driveway of this house is only one car space from the sidewalk on edgewater drive. I have observed cars being detailed for many months on the property not knowing these cars were not the owners cars. The work was very obvious given how close the garage is to the street.

Thank you

Perry Drosos
16908 Edgewater dr
Lakewood Oh 44107
216.387.8786

Johanna Schwarz

From: Kevin Hudson <khud02@hotmail.com>
Sent: Thursday, November 5, 2020 11:56 AM
To: Planning Dept
Subject: Planning Commission November 5, 2020 Reference No.: PC20-000051
Attachments: Lakewood Planning Commission - Reference No PC20-000051.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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

Dear Planning Commission,

Attached is my objection to PhDetailing's request for a conditional use permit. Thank you for allowing me to voice my concern.

Regards,
Kevin Hudson

November 4, 2020

Planning Commission
City of Lakewood
Lakewood City Hall
12650 Detroit Ave
Lakewood, OH 44107

RE: John McCarty, PhDetailing, LLC
Docket No.: 11-47-20
Reference No.: PC20-000051

Dear Planning Commission Member:

As the owner of the residential property located at 16905 Edgewater Drive, I am writing to object to PhDetailing, LLC's application for a conditional use permit to operate an auto detailing business within the attached garage located at 16712 Edgewater Drive. I object to the request to operate an automobile-based business from a residence because the use violets the following sections of Chapter 1161.02 – General Standards for All Conditional Uses of the City of Lakewood Zoning Code:

- a) conditional use will be consistent with the general objectives, or any specific objectives, for the zoning district in which it is located.
- b) conditional use will be designed, constructed, operated and maintained so as not to be detrimental to or endanger the public health, safety, or general welfare
- c) conditional use will not change the essential character of the general vicinity in which it is located.
- f) that adequate utilities and public facilities and services, such as streets and sewer and water services, are or will be provided; and that establishment of the conditional use will not require expenditures of public funds for such public facilities or services.

PhDetailing, LLC is an automotive business currently operating in a residential neighborhood. The location at 16712 Edgewater Drive is only accessible from two residential streets, Kenneth Drive and Edgewater Drive. Car traffic on Kenneth Drive, a cul-de-sac, and this portion of Edgewater Drive running between Kenneth and Webb Drive north of Lake Road, is effectively limited to only those who reside on those streets and their guests. This creates a neighborhood that is characteristically quiet and suitable for pedestrian and bicycle traffic as it is safer than Lake Road, violating sections "a" and "c" of Chapter 1161.02 of the Zoning Code listed above.

There are also many families with school age children living on Kenneth Drive and Edgewater Drive who chose this neighborhood because of the lack of car traffic. Allowing an automobile-based business at this location would substantially change the character of the neighborhood, decrease safety to pedestrians, and not fit the general objectives of the neighborhood in violation of Chapter 1161.02 section "b".

The business has been operating throughout the Summer of 2020, and it has been observed that the owner of the business frequently drives the cars of customers repeatedly around the block, and at higher rates of speed than the posted speed limits, which also violates section "b" of Chapter 1161.02.

PhDetailing offers car wash and detailing services that include engine cleaning; paint correction which would require the stripping of a car's clear coat and "wet sanding"; and ceramic coating. These services will increase harsh and abrasive chemicals into the city's storm water system.

The City of Lakewood's Building Code requires owners who develop, or redevelop, property to; (1) Control the volume, rate and quality of storm water runoff from their property to minimize the potential for downstream flooding, erosion, and sedimentation; (2) Reduce damage to receiving water resources and drainage systems that are caused by new development or redevelopment activities; (3) Preserve to the maximum extent practicable the natural drainage characteristics of the building site and minimize the need to construct, repair, and replace enclosed storm drain systems (Chapter 1339.01 Section "d").

Granting a conditional use permit would re-purpose the property whose existing infrastructure, including storm water management, was never intended to handle this type of use nor the volume and frequency of soaps, solvents, and related chemicals of a car detailing business, violating sections "b" and "f" of Chapter 1161.02. The effects of these chemicals into a storm water system built for residential use is unknown. At a minimum the city should require a study prior to issuing a conditional use permit to insure the current system is not damaged, or that proper mitigation be installed prior to soaps, solvents, and solutions are introduced into the system.

The city's zoning code has specific sections that govern the use of automobile garages, gas stations, car sales, and drive thru businesses; and restricts their use to commercial districts. Where these businesses abut residential districts, the code calls for setbacks, landscaping and screening measures that reduce the visual and audio impact to the residents in proximity to the businesses. Permitting PhDetailings request for a conditional use permit, the city would be allowing an automobile-based business to operating in the middle of two residential streets without any appropriate remedies to reduce the visual and audio impact to the adjoining houses.

Further, in December 2019 this Commission accepted and approved the recommendations of the Resiliency Task Force that called for the creation of places that prioritized people over automobiles; the preservation of the city's historic context; measures that calmed and reduced automobile traffic; and promoted Lakewood as a city of homes creating a balance for Community Wellness; Mobility and Connectivity; Economic Development; and Housing. Allowing an automobile business in the middle of a residential neighborhood contradicts the goals of the documents this Commission approved.

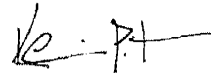
Finally, PhDetailing has three other addresses listed for the business, two of which are located in commercial districts and calls into question if the business needs to operate from a residential neighborhood. As previously stated, the business has been in operation from the residence at 16712 Edgewater throughout the Summer of 2020. The Limited Liability Company received a Business Certificate from the Ohio Secretary of State's Office on August 25, 2020. The certificate shows the address as 1478 Cohasset Ave., Lakewood, Ohio – a residential property the owner of PhDetailing sold

in December of 2019 according to records at with the Cuyahoga County Auditor's office. The business certificate also lists the business agent's address as 14616 Detroit Ave., Lakewood, Ohio, which is in a commercial district. The 16712 Edgewater Address is not listed on the Business Certificate, even though that is the address the PhDetailing was operating from at the time of the Business Certificate was approved (Attachement "A"). A third address listed on PhDetailing's website of 1081 Bassett Road, Unit B, Westlake, Ohio is also located in a business district (Attachment "B"). If the owner of PhDetailing has access to other locations more suitable to operating a car detailing business, why do they not utilize those properties rather than attempting to operate from a residential neighborhood?

Kenneth Drive and Edgewater Drive are two quiet residential streets and could be described as quintessential Lakewood neighborhoods. Granting a conditional use permit to operate a car detailing business in the middle of the neighborhood would violate the goals and objectives of the City's Zoning Code; contradict the recommendations of the Resiliency Task Force; and create issues that would be very difficult to comply with the City's Building Code all while the business owner may have access to more suitable properties for this intended use.

For these reasons I ask that you reject PhDetailing, LLC's request for a conditional use permit.

Regards,

A handwritten signature in black ink, appearing to read 'Kevin P. Hudson', with a horizontal line extending to the right.

Kevin P. Hudson

Enclosed: Attachments A & B

ATTACHMENT A



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	CERT	COPY
08/26/2020	202023800958	DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG (LCP)	99.00	0.00	0.00	0.00

Receipt

This is not a bill. Please do not remit payment.

JOHN M. MCCARTY CO., LLC
1478 COHASSETT AVENUE
LAKEWOOD, OH 44107

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, Frank LaRose
4531745

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

PHDETAILING LLC

and, that said business records show the filing and recording of:

Document(s)

DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG

Effective Date: 08/25/2020

Document No(s):

202023800958



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
26th day of August, A.D. 2020.

Ohio Secretary of State

Form 533A Prescribed by:



Date Electronically Filed: 8/25/2020

Toll Free: 877.767.3453 | Central Ohio: 614.466.3910

OhioSoS.gov | business@OhioSoS.gov

File online or for more information: OhioBusinessCentral.gov

Articles of Organization for a Domestic Limited Liability Company

Filing Fee: \$99
Form Must Be Typed

CHECK ONLY ONE (1) BOX

(1) Articles of Organization for Domestic For-Profit Limited Liability Company (115-LCA)

(2) Articles of Organization for Domestic Nonprofit Limited Liability Company (115-LCA)

Name of Limited Liability Company

(Name must include one of the following words or abbreviations: "limited liability company", "limited", "LLC", "L.L.C.", "Ltd.", or "Ltd".)

Optional: Effective Date (MM/DD/YYYY)

(The legal existence of the corporation begins upon the filing of the articles or on a later date specified that is not more than ninety days after filing.)

Optional: This limited liability company shall exist for
Period of Existence

Optional: Purpose

**** Note for Nonprofit LLCs**

The Secretary of State does not grant tax exempt status. Filing with our office is not sufficient to obtain state or federal tax exemptions. Contact the Ohio Department of Taxation and the Internal Revenue Service to ensure that the nonprofit limited liability company secures the proper state and federal tax exemptions. These agencies may require that a purpose clause be provided. **

70 10 777 202020000000

Original Appointment of Statutory Agent

The undersigned authorized member(s), manager(s) or representative(s) of

PhDetailing LLC

(Name of Limited Liability Company)

hereby appoint the following to be Statutory Agent upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is:

JOHN MCCARTY

(Name of Statutory Agent)

14516 DETROIT AVENUE

(Mailing Address)

LAKESWOOD

(Mailing City)

OH

(Mailing State)

44107

(Mailing ZIP Code)

Acceptance of Appointment

The Undersigned,

JOHN MCCARTY

(Name of Statutory Agent)

, named herein as the

Statutory agent for

PhDetailing LLC

(Name of Limited Liability Company)

hereby acknowledges and accepts the appointment of statutory agent for said limited liability company.

Statutory Agent Signature

JOHN MCCARTY

(Individual Agent's Signature / Signature on Behalf of Business Serving as Agent)

JO ID ***** 202025000930

Original Appointment of Statutory Agent

The undersigned authorized member(s), manager(s) or representative(s) of

PhDetailing LLC

(Name of Limited Liability Company)

hereby appoint the following to be Statutory Agent upon whom any process, notice or demand required or permitted by statute to be served upon the corporation may be served. The complete address of the agent is:

JOHN MCCARTY

(Name of Statutory Agent)

14516 DETROIT AVENUE

(Mailing Address)

LAKESWOOD

(Mailing City)

OH

(Mailing State)

44107

(Mailing ZIP Code)

Acceptance of Appointment

The Undersigned,

JOHN MCCARTY

(Name of Statutory Agent)

, named herein as the

Statutory agent for

PhDetailing LLC

(Name of Limited Liability Company)

hereby acknowledges and accepts the appointment of statutory agent for said limited liability company.

Statutory Agent Signature

JOHN MCCARTY

(Individual Agent's Signature / Signature on Behalf of Business Serving as Agent)

By signing and submitting this form to the Ohio Secretary of State, the undersigned hereby certifies that he or she has the requisite authority to execute this document.

Required

Articles and original appointment of agent must be signed by a member, manager or other representative.

If the authorized representative is an individual, then they must sign in the "signature" box and print his/her name in the "Print Name" box.

If the authorized representative is a business entity, not an individual, then please print the entity name in the "signature" box, an authorized representative of the business entity must sign in the "By" box and print his/her name and title/authority in the "Print Name" box.

JOHN MCCARTY

Signature

JOHN MCCARTY

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

Signature

By (if applicable)

Print Name

ATTACHMENT B

Our Address

1081 Bassett Road, Unit B
Westlake, Ohio 44145,

Hours of Operation

Monday - Friday
9:00 AM - 06:00 PM

Saturday
10:00 AM - 05:00 PM

phdetailing216@gmail.com

Johanna Schwarz

From: Timothy Hinshaw <tim.hinshaw@gmail.com>
Sent: Monday, November 9, 2020 1:18 PM
To: Planning Dept
Subject: Re: docket number 11-115-20

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

We have no object to the project assuming that the project does not interfere with the safety of our property. We wish them well as they improve their property.

Tim and Jan Hinshaw
1308 Bunts

Johanna Schwarz

From: Michael DeAloia <mdealoia@evergreenpodcasts.com>
Sent: Thursday, November 5, 2020 1:50 PM
To: Planning Dept
Subject: Lindy's Lake House

Follow Up Flag: Follow up
Flag Status: Completed

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

To Whom it May Concern:


I will not be able to make the meeting tonight regarding the outdoor dining issue at Lindy's Lake House. But as a neighbor (1406 Westwood Avenue), let me be vocal in my support for outdoor seating. Given the surreal times that we currently live in and the necessity for social distancing, this plan makes amazing sense to me. I hope that the Planning Commission weighs in favorably to this issue.

I would be happy to answer any and all questions about my position. Thank you.



Michael DeAloia
Chief Executive Officer, Evergreen Podcasts
216.212.4067 | mdealoia@evergreenpodcasts.com
evergreenpodcasts.com
1406 Westwood Avenue | Lakewood, OH 44107



 [Schedule a meeting with me.](#)

Johanna Schwarz

From: Therese Piskach <tptmp333@gmail.com>
Sent: Wednesday, November 4, 2020 8:54 PM
To: Planning Dept
Subject: Neighbor of 1362 Manor Park Avenue

Follow Up Flag: Follow up
Flag Status: Completed

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Hi -- My family has lived at 1370 Manor Park for over 50 years. It used to be a very quiet street with just residential traffic. Since the Pilgrim Lutheran Church is not THAT anymore, instead of people parking on the street only for church services twice a week, we now have people parking on the street for AA meetings, celebrations and parties on the property many times a week, with no parking available to residents who live on Manor Park between Detroit and the railroad tracks. Plus, with Dominoes Pizza at the corner, people park along the curb going up the hill while they wait or pick up their pizza. The Dominoes supply delivery truck does its unloading on the corner of Detroit and Manor Park blocking the view of traffic. The street has a lot of delivery cars zipping up and down the street. Many times the street is full of non-resident cars.

My main concern is for the safety of residents who walk, children who play outside in their front yard. I am neither for or against the conditional use permit. Since the street already has a lot of activity and congestion, is this going to add to it in a negative way (if parking is not available in the driveway). I am just bringing these issues to your attention in case you are not aware. My main concern -- and I hope it is yours as you make your decisions on these issues -- is the safety and access to residents who live on this residential street.

Thank you very much for listening.

Sincerely,

Therese Grega Piskach
1370 Manor Park Avenue
216-548-4997

Johanna Schwarz

From: Matt Hiznay <jmhiznay@gmail.com>
Sent: Sunday, November 8, 2020 10:18 PM
To: Planning Dept
Subject: 16300–16400 Detroit Avenue

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Mr. Baas:

Thank you for the opportunity to comment on municipal affairs.

I write concerning 16300–16400 Detroit Avenue. The plans look impressive. I have two questions. First, what will the impact be on residents of Westlake Avenue during the construction, and will any traffic be rerouted? Second, how will this property ensure its residents utilize as few street parking spots as possible?

Westlake Avenue is a narrow road, and a delicate balance is currently maintained with street parking. Some properties on Westlake Avenue lack a driveway and thus rely solely on street parking. Additionally, the parking lot of the former Trinity Church is often used by several vehicles, which I presume would have to find street parking once construction and, eventually, residents begin to occupy the townhomes. My wife and I are fortunate to have a driveway, but it is sometimes necessary to use street parking.

Please contact me if I can clarify anything. Be well.

Sincerely,

James M. Hiznay
1350 Westlake Avenue

Johanna Schwarz

From: Eyers Rentals <eyersrentals@gmail.com>
Sent: Saturday, October 31, 2020 12:23 AM
To: Planning Dept
Subject: Comments on 16300-16400 Detroit Ave Project

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

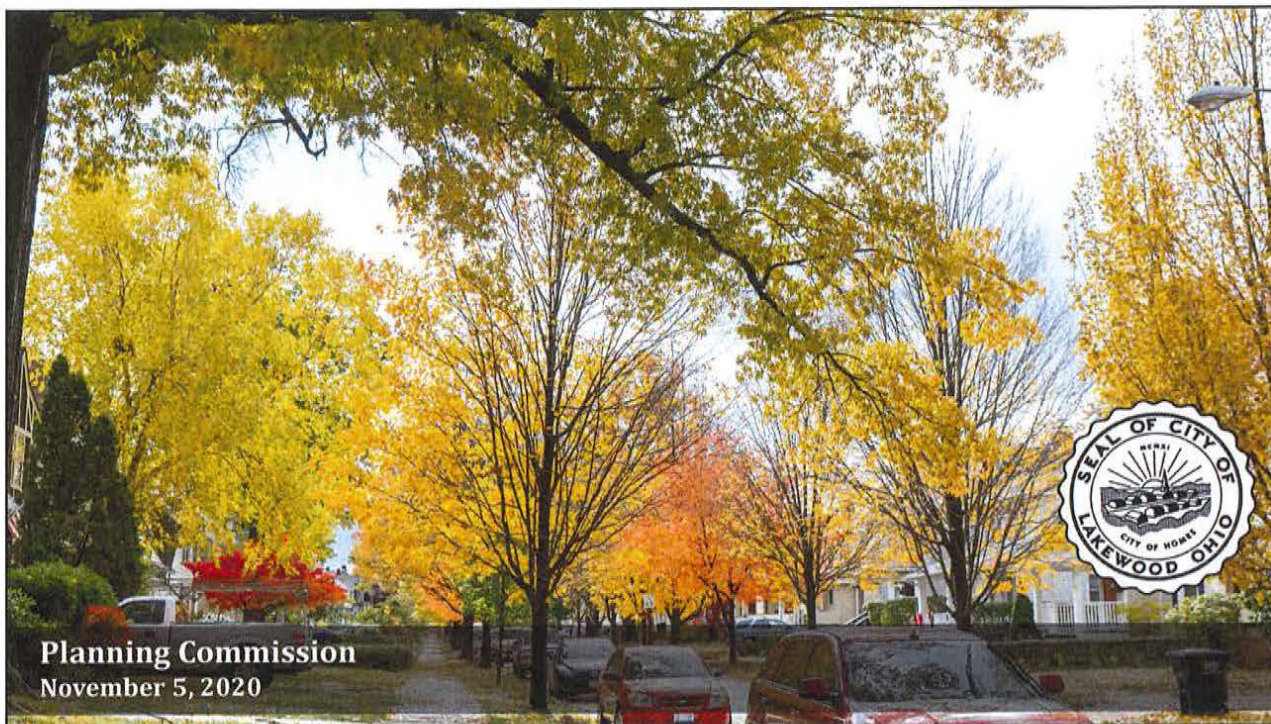
Hello,

My name is Mitch Eyerman, I own 1382/1384 Hall Ave and received a notice about the proposed mixed-use project at the current Trinity Church property.

My biggest concern off the bat on the project is the amount of residential units that will be added to the property. Already, Hall avenue, particularly the southern most portion of the street near Detroit, struggles with insufficient parking. Our house has one parking spot for 7 bedrooms. We are owner occupied; I see the parking problems today without adding more units. I am concerned that adding 17 units, in addition to developing the store fronts and church space, will make parking exceedingly difficult to come by. I appreciate that the church is being converted and used for commercial purposes, but request that residential units not be added to the property.

Adding residential units to this property would be a detriment to the community due to traffic (with Hall already being one of the narrowest streets in the city) and parking issues which will no doubt be in our future. Should the site have been developed into townhomes on the storefront side, it would be a different issue. Not nearly as many units... not nearly as many vehicles. I hope tax revenue isn't the only concern in this decision, but fear it may be the ultimate one.

Thank you for your consideration,
Mitch
440-539-4862




1

AGENDA

1. Homestead Block – Designation
2. Edgewater Drive – Type B home occupation - TABLED
3. Manor Park – Type B home occupation
4. Trinity Property – Mixed-use overlay Introduction
5. Barrio – Conditional Use for permanent outdoor dining - DEFERRED
6. Lindy’s Lakehouse – Temporary outdoor dining review, parklet – DEFERRED

Planning Commission
November 5, 2020

2



Docket No. 10-43-20
11794-11816 Detroit Avenue

HOMESTEAD BLOCK HISTORIC DESIGNATION

3



4

Request

The Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the properties located at 11794-11816 Detroit Avenue, Homestead Block, (PPN 312-33-015) as eligible to become an historic property (HP), pursuant to Chapter 1134. The property is located in a C3 - Commercial, General Business district.

5

1134.03

Two Step Process:

(g) Nomination by the Commission: After a hearing, the Commission may nominate certain areas, places, sites, buildings, public interior portions of buildings, structures, works of art and other objects as **eligible to be designated as either an HPD or an HP. APPROVED 10/1/2020**

(k) The Commission shall determine whether said area, place, site, building(s), public interior portions of a building, structure(s), works of art and other objects **shall be designated as an HPD or HP.**

6



7



THE HOMESTEAD

Lakewood's new photo play house, the Homestead, has supplied a real need. Hitherto Lakewood has been sadly neglected as a motion picture field.

Situated at the corner of Detroit and Hird avenues, the Homestead may be said to be ideally located, and Henn

Brook have built a theater and are furnishing a program worthy of this exclusive residential suburb.

The Homestead has a seating capacity of nearly 1,000 and is regarded as the last word in motion picture construction and equipment. The policy of the management gives patrons the best features of the open market.

Figure 3: Cleveland Plain Dealer, February 6, 1916, Page 33.

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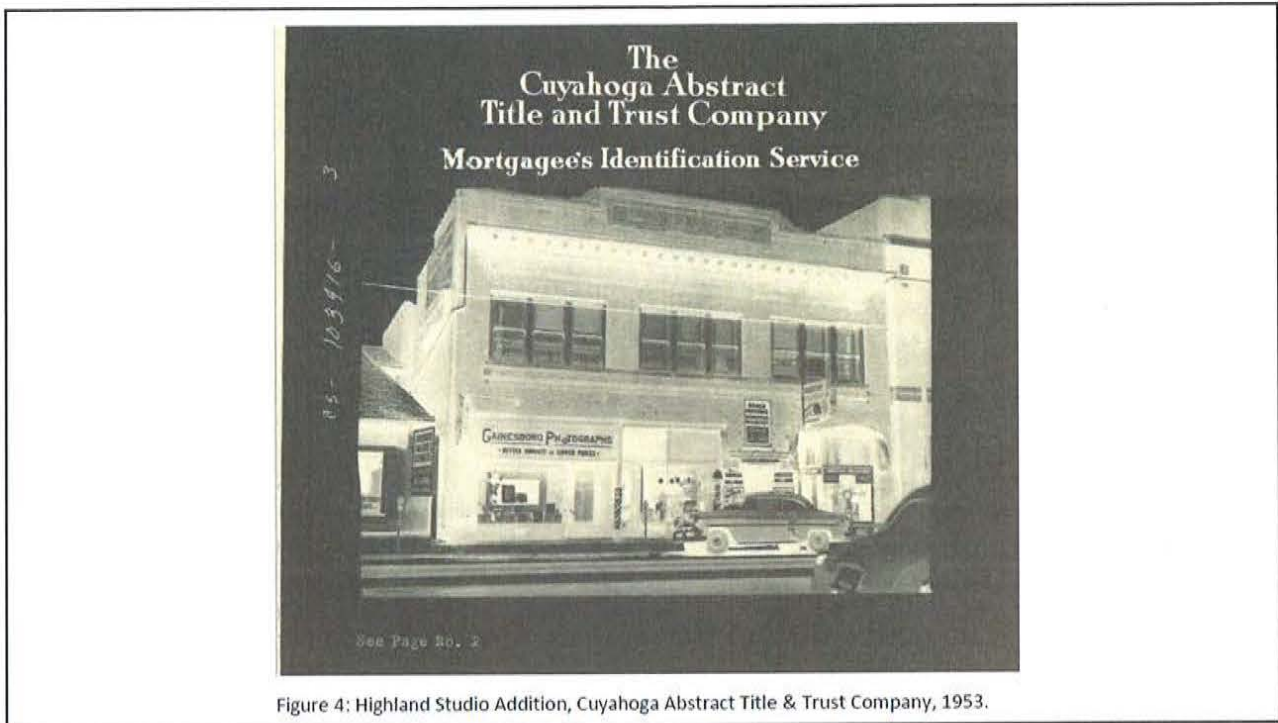


Figure 4: Highland Studio Addition, Cuyahoga Abstract Title & Trust Company, 1953.

9

Considerations for Nomination: (Check all that apply to the property)

- (1) Has character, interest or value as part of the heritage of the City, region, State of Ohio or United States;
- (2) The location is the site of a significant historic event;
- (3) Associated with a person or persons who significantly contributed to the historic development of the City;
- (4) Exemplifies the cultural, economic, social, archeological, or historic heritage of the City;
- (5) Reflects the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (6) Reflects distinguishing historical characteristics of a group of people in an era of history characterized by a distinctive architectural style;
- (7) The work of an architect or master builder whose individual work has influenced the development of the City;
- (8) Embodies elements of architectural design, detail, materials or craftsmanship which represent a significant architectural style or technological innovation;
- (9) Possesses a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;
- (10) The likelihood of yielding information important to the understanding of prehistory or history.

Additional Considerations:

- (1) Must have a high degree of historic integrity, without excessive loss of architectural or historic character.
- (2) Must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

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Request

The Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the properties located at 11794-11816 Detroit Avenue, Homestead Block, (PPN 312-33-015) as eligible to become an historic property (HP), pursuant to Chapter 1134. The property is located in a C3 - Commercial, General Business district.

Designate the exterior of 11794-11816 Detroit Avenue as an HP.

12

Proposal

- No more than one customer vehicle at a time.
- No customers coming to the house to drop off or pick-up vehicles.
- Work will be done in one bay of the garage with the garage door closed.
- No customer vehicles will be parked on the street.
- Cars will be washed at the commercial location.

15

1121.03 PERMITTED ACCESSORY USES.

The following accessory uses shall be permitted when located on the same lot with a permitted principal use:

(c) A Type A home occupation, provided such use is clearly incidental to the principal use, pursuant to Chapter 1145.

1145.01 DEFINITIONS.

(a) TYPE A HOME OCCUPATION means a home occupation as an accessory use where the home is used by those residing therein as a place of work; no customers or non-resident employees come to the home.

(b) TYPE B HOME OCCUPATION means a home occupation as an accessory use where the home is used by those residing therein as a place of work, and where one (1) non-resident employee and customers come to the home.

16

1145.02 REGULATIONS.

(a) The home occupation shall occupy no more than fifteen percent (15%) of the habitable floor area of the dwelling, as defined in the Building Code.

(Garage 253 sq. ft., Living Area 2857 sq. ft. = 9% of habitable floor area)

(b) No sign or display advertising the presence of the home occupation and visible from the public right-of-way shall be permitted.

(c) The home occupation shall be conducted entirely within the principal structure.

(d) The home occupation shall not interfere with the off-street parking required for the principal use pursuant to Chapter 1143. **(One parking space provided in a garage)**


(e) The home occupation shall not necessitate any structural alteration, any alteration to an elevation of the structure, or the installation of additional parking surfaces.

(f) The home occupation shall not necessitate any variance to the Building Code.

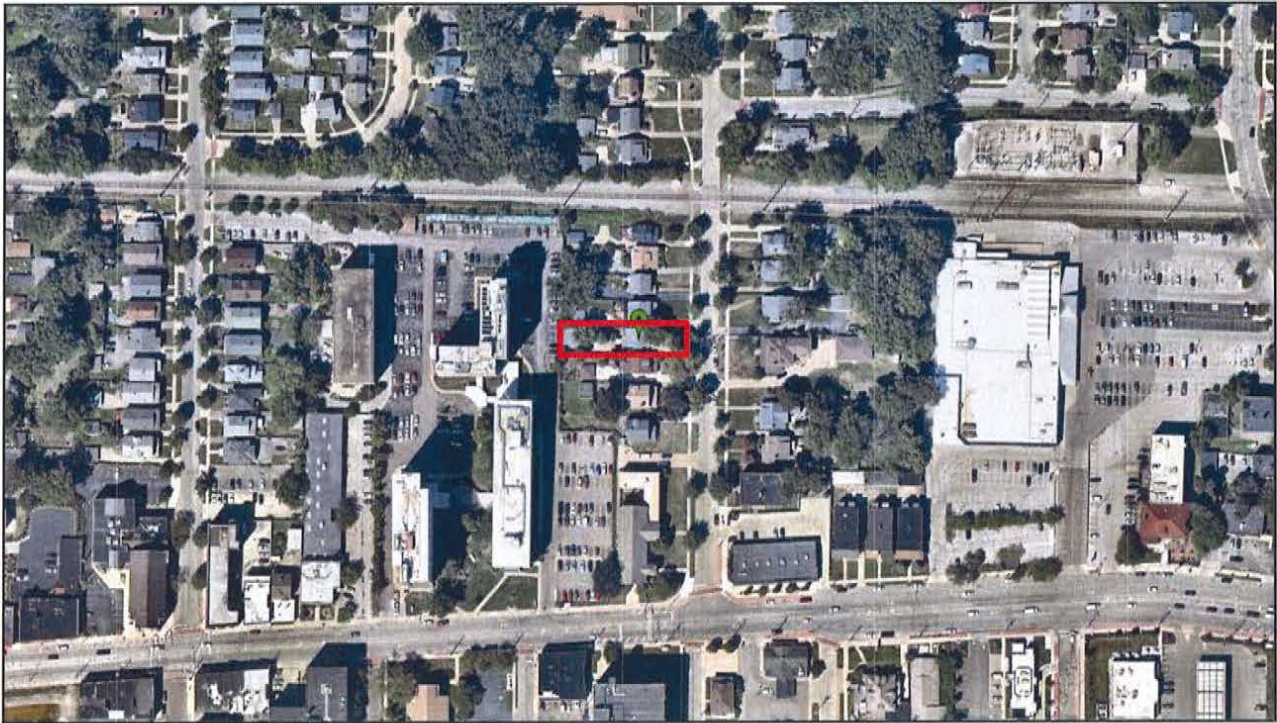
(g) The home occupation shall not generate any noise, fumes, dust, odors, or electrical interference, which may be transmitted outside the dwelling unit.

(h) Goods shall not be displayed to or picked up by the customer at the site of the home occupation.

(Ord. 91-95. Passed 10-7-1996.)



Docket No. 11-48-20
1362 Manor Park Avenue
TYPE B HOME OCCUPATION



19

Request

A conditional use permit for a Type B home occupation. Pursuant to chapter 1145 and section 1161.03(f). The property is in an R1H – Single-Family, High Density district.

20

1145.02 REGULATIONS.

(a) The home occupation shall occupy no more than fifteen percent (15%) of the habitable floor area of the dwelling, as defined in the Building Code.

(168 sq. ft. porch used, 1394 sq. ft. Living Area = 12% of habitable floor area)

(b) No sign or display advertising the presence of the home occupation and visible from the public right-of-way shall be permitted.

(c) The home occupation shall be conducted entirely within the principal structure.

(d) The home occupation shall not interfere with the off-street parking required for the principal use pursuant to Chapter 1143. **(Guest parking in driveway)**

(e) The home occupation shall not necessitate any structural alteration, any alteration to an elevation of the structure, or the installation of additional parking surfaces.

(f) The home occupation shall not necessitate any variance to the Building Code.

(g) The home occupation shall not generate any noise, fumes, dust, odors, or electrical interference, which may be transmitted outside the dwelling unit.

(h) Goods shall not be displayed to or picked up by the customer at the site of the home occupation.

21

1161.03(f) Home Occupation, Type B. In a residential or commercial district, a Type B Home Occupation may be permitted as a conditional use provided that:

(1) The Type B Home Occupation may be permitted in a one- or two-family dwelling; the Home Occupation **shall not interfere with the residential use of the non-applicant;**

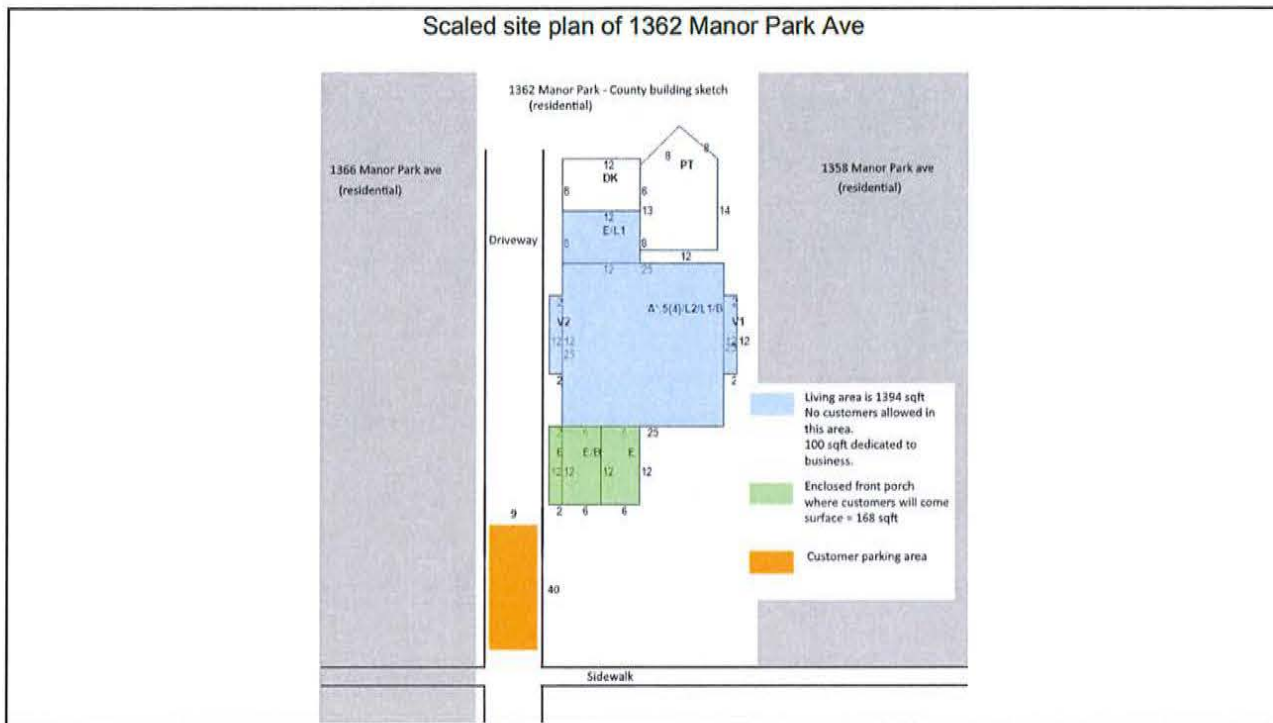
(2) The non-resident employee and customers may come to the home between the hours of **8:00 a.m. and 9:00 p.m. Monday through Saturday, and 12:00 noon and 6:00 p.m. Sunday; customers may come to the home by pre-arrangement only;**

(3) Off-street parking to meet the standards specified in Schedule 1143.05 shall be provided;

(4) The Type B Home Occupation **shall not generate substantially more pedestrian or vehicular traffic than that generated by a residential use;** and

(5) A Conditional Use Permit issued pursuant to this Section 1161.03(f) shall expire thirty-six (36) months after the date of issuance.

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Docket No. 11-49-20
16300-16400 Detroit Avenue

TRINITY MIXED-USE OVERLAY

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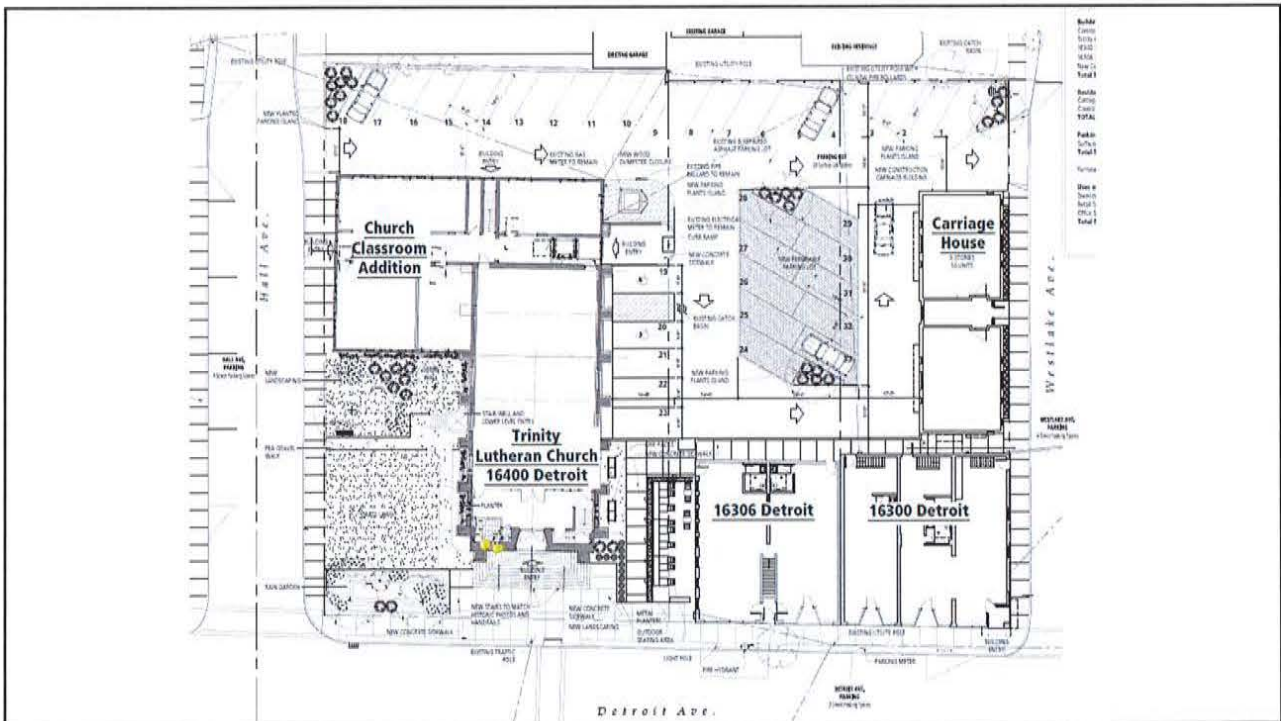
Request - DEFER

A conditional use permit for a mixed-use overlay district at 16300-16400 Detroit Avenue. The project includes the renovation of the church and commercial storefronts, the transformation of the classrooms to eight apartments and the construction of a ten-unit residential carriage house. Pursuant to chapter 1135, Mixed Use Overlay District and section 1161.03 (v). The property is in a C3 - Commercial, General Business district.

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A Mixed Use Overlay District should offer one (1) or more of the following advantages:

(1) Designs in residential and commercial areas that reflect the **City's development and planning policies as set forth in this Code and 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.

31

1135.03 DESIGNATION OF A MIXED USE OVERLAY DISTRICT.

(b) Development Standards. The development standards, including, but not limited to, the yard and setback requirements, the height limitations, parking requirements, open space areas, and signage shall be established as a function of the application to establish a Mixed Use Overlay District and the approval of the application. The following regulations shall be observed:

(1) Signage.

A. In a commercial district base zone, signage standards are set by the base zone.

(2) Parking.

A. Applicants for Mixed Use Overlay developments shall submit a parking and traffic management proposal that does not adversely affect the neighborhood, identifies peak use times, and explores shared parking agreements.

B. **All residential uses must comply with parking requirements or maintain existing parking conditions.**

(3) Structural Requirements.

A. Mixed Use Overlay proposals **must contain a residential component**.

B. **Maintain form and scale of building being re-purposed.**

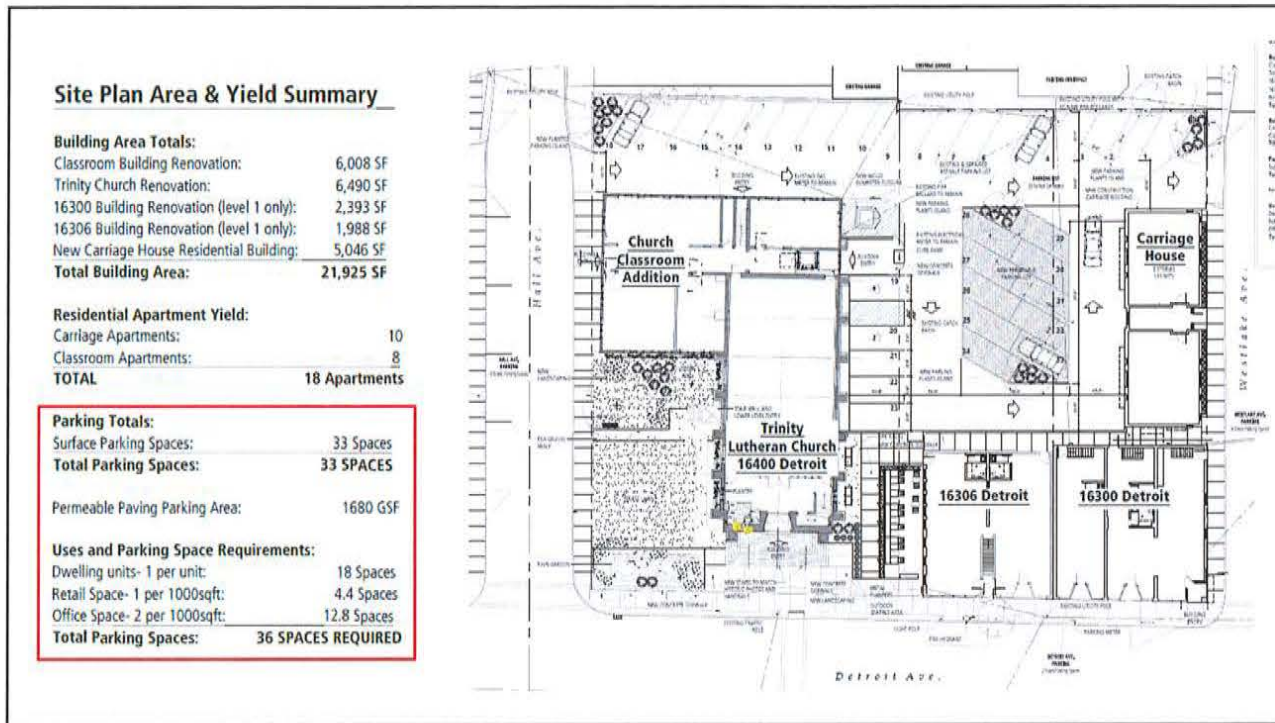
C. **The primary design objective for the Mixed Use Overlay District are to reflect the area's architectural significance/character, while promoting the pedestrian scale environment. The design must be compatible with the neighborhood.**

D. The principal or primary entrance to a non-residential structure must be located on the building front.

(4) Outdoor dining. Outdoor dining shall be permitted as a conditional use in a Mixed Use Overlay District pursuant to Section 1161.03(t).

(Ord. 17-13. Passed 10-21-2013.)

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1135.09 MINIMUM YARDS

In addition to the required yard, a landscaped buffer of at least ten (10) feet shall also be provided, pursuant to Section 1141.03, Landscaping Plan. However, the Commission may relax such standards if the proposed standard is determined to be consistent with the surrounding properties, both within and outside the limits of the Mixed Use Overlay District.

SCHEDULE 1129.06: YARD REQUIREMENTS				
	C1 OFFICE	C2 RETAIL	C3 GENERAL BUSINESS	C4 PUBLIC SCHOOL
Front Yard Depth	As established on the Building Line Map			
Rear Yard Depth	One-half (1/2) the height of the building, but in no case less than five (5) feet ³			
Side Yard Width	none ^{1, 3}	none ^{1, 3}	5 feet ^{1, 3}	5 feet ^{1, 3}
Side/Rear Yard Depth where adjacent to a residential use or district	10 feet ^{2, 3}	5 feet ³	10 feet	10 feet
Front Yard Depth, Madison and Detroit	Maximum 5 feet			

- 1 On a corner lot the side street yard shall be five (5) feet
- 2 May be reduced to five (5) feet if a wall or fence with adequate landscape screening is provided.
- 3 Roof exhausts must be ten (10) feet from property line

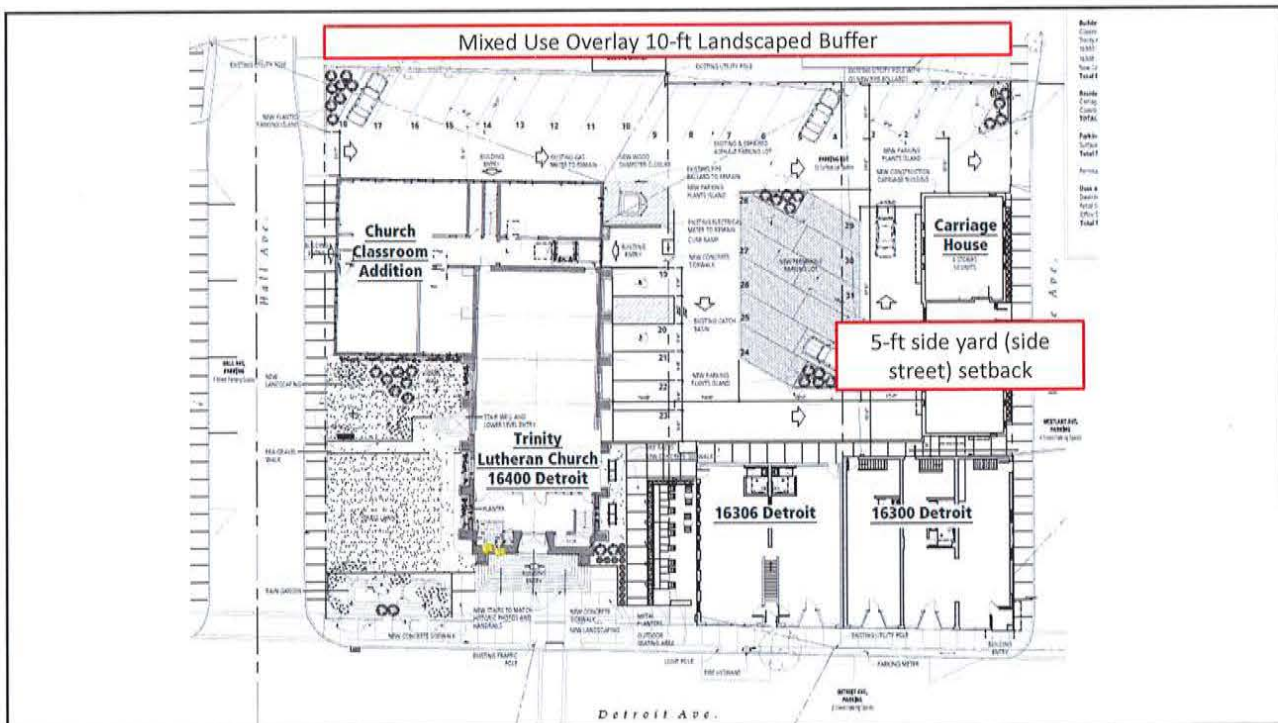
Current Site



Cranford Example



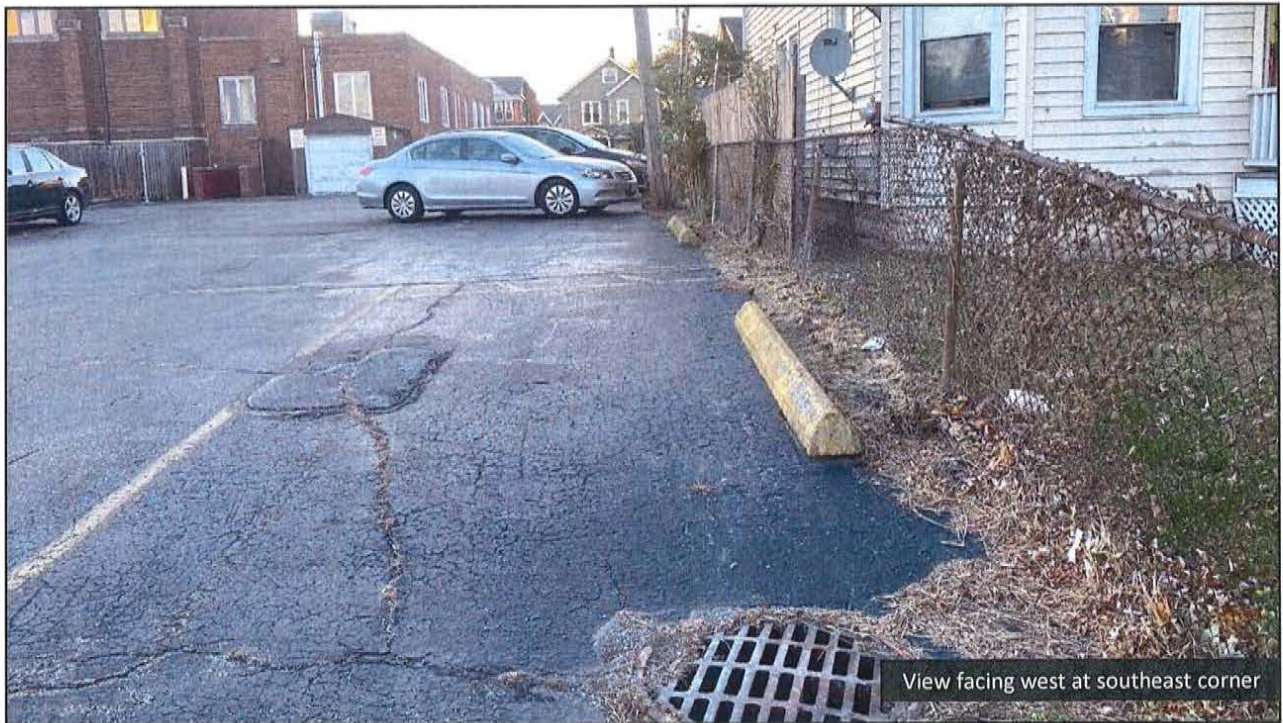
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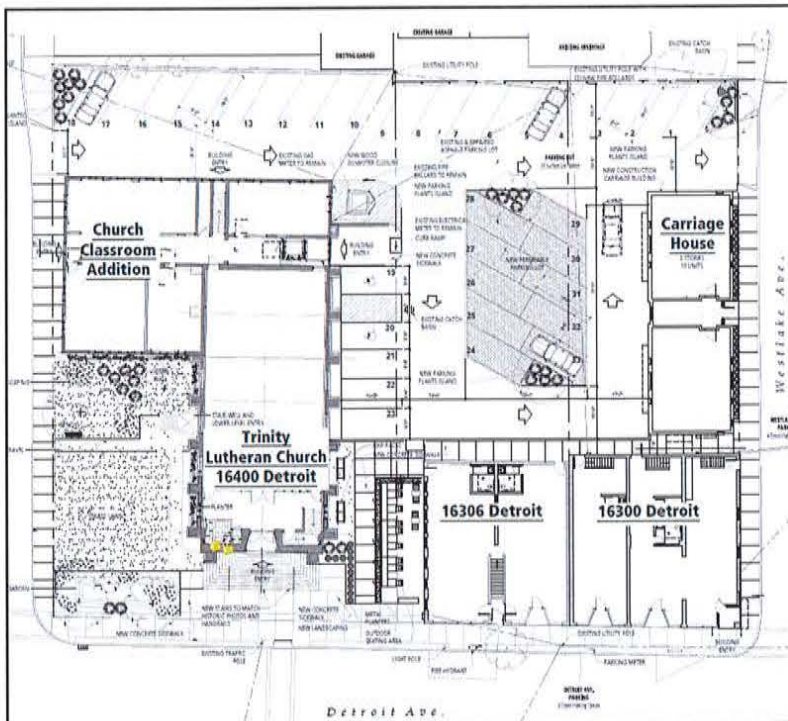


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View facing south at northeast corner

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Approval Notes

- Multifamily units permitted with the conditional use
- Listing of the modification of development standards (modification shall be permitted on the authority of the Commission as part of the Conditional Use review)
 - *Setbacks and landscape buffer as necessary*
- Approval of the parking and traffic management proposal

40

Request - DEFER

A conditional use permit for a mixed-use overlay district at 16300-16400 Detroit Avenue. The project includes the renovation of the church and commercial storefronts, the transformation of the classrooms to eight apartments and the construction of a ten-unit residential carriage house. Pursuant to chapter 1135, Mixed Use Overlay District and section 1161.03 (v). The property is in a C3 - Commercial, General Business district.

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Docket No. 11-50-20
15527 Madison Avenue

**BARRIO CONDITIONAL USE FOR
PERMANENT OUTDOOR DINING - DEFER**

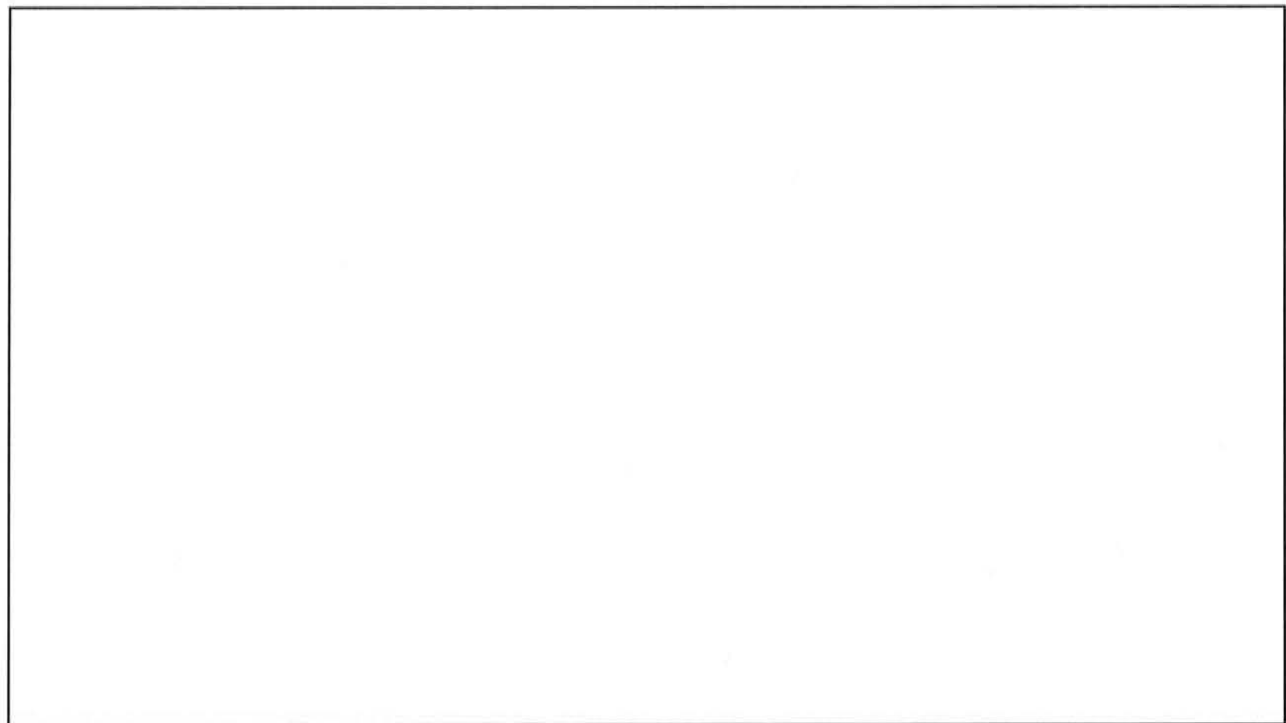
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Docket No. 11-51-20
15625 Detroit Avenue

LINDY'S LAKEHOUSE TEMPORARY PARKLET - DEFER

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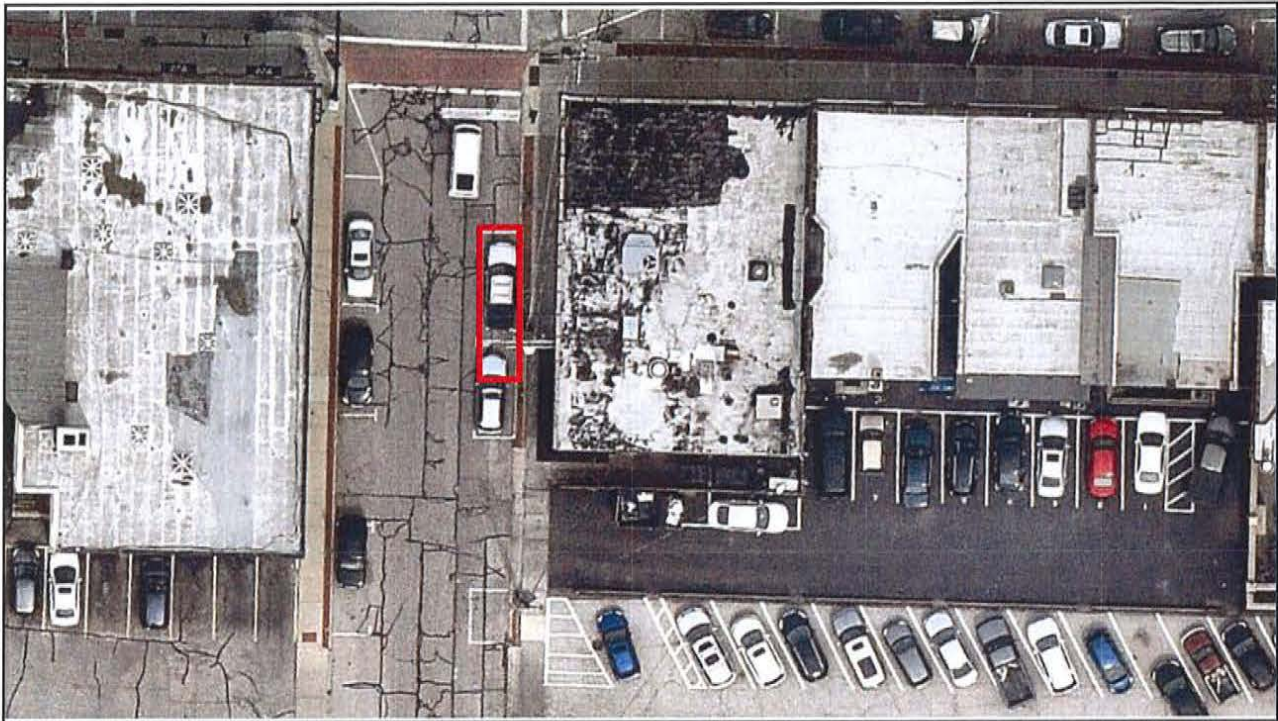
Request

A conditional use permit to allow the operation of a parklet on Westwood Avenue; a conditional use for 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(5-22-2020). The property is in a C2 – Commercial, Retail district.

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Hand-drawn floor plan of a restaurant layout. The plan shows a central dining area with numerous tables and chairs. There are handwritten notes in blue ink: "STREET VIEW" near the top left, "COURT YARD" near the top right, "NEW PARTIALS" near the center, "BOOTH SEATING" near the bottom left, and "COURT SEATING" near the bottom left. The plan also shows a kitchen area, a bar, and a service counter. The layout is detailed with dimensions and furniture placement.

- Need dimensions.
- 6-ft distance between tables? Plexiglass?
- Moved parking space back, blocking dumpster pickup?
- Maintain clearance from the corner?

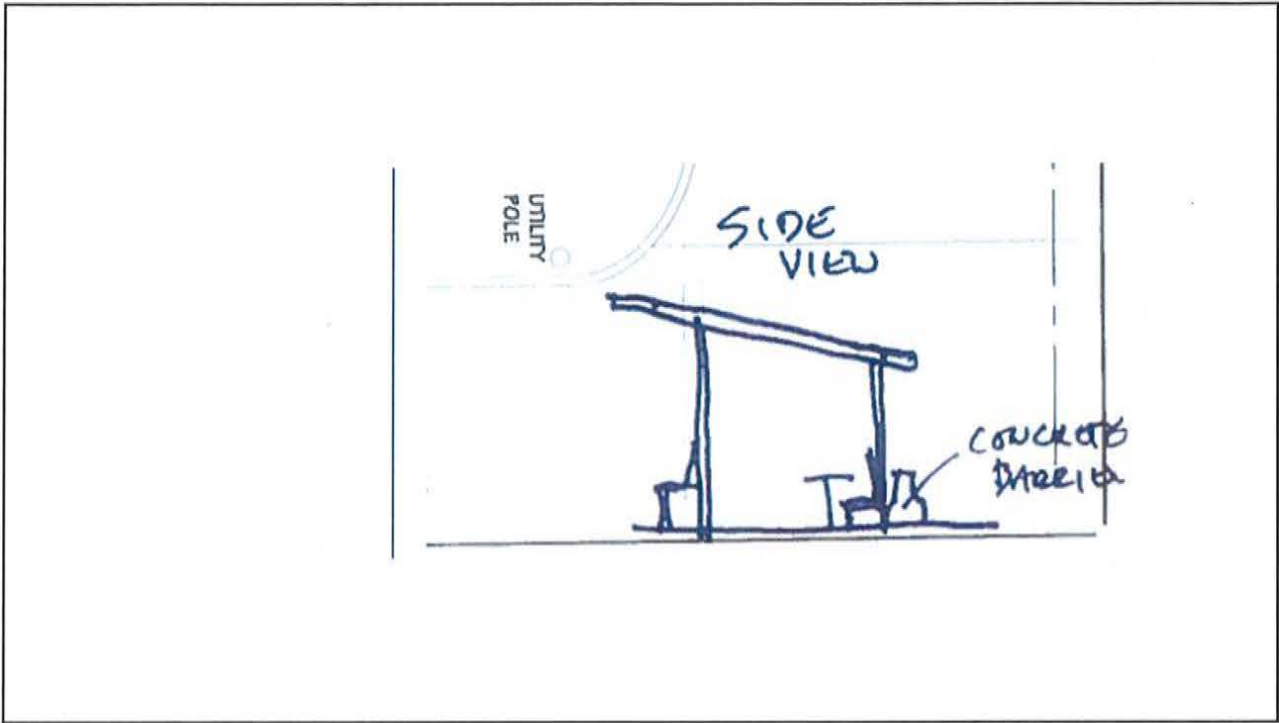
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Administration Review

Police:

Concern about offset intersection. Would need to stay within existing parking spaces.

Fire:

Need to understand if this will be heated and get specifications for any heating devices.

Engineering:

Concern about traffic and intersection. Concerned with winter conditions and snow plows interacting with parklet. Need to maintain drainage path along the curb.

Building Department:

Need to have ADA accessibility. Roof structure would need to be designed by a professional for approval.

Architectural Review: Need to address all of the Parklet Guidelines prior to construction.

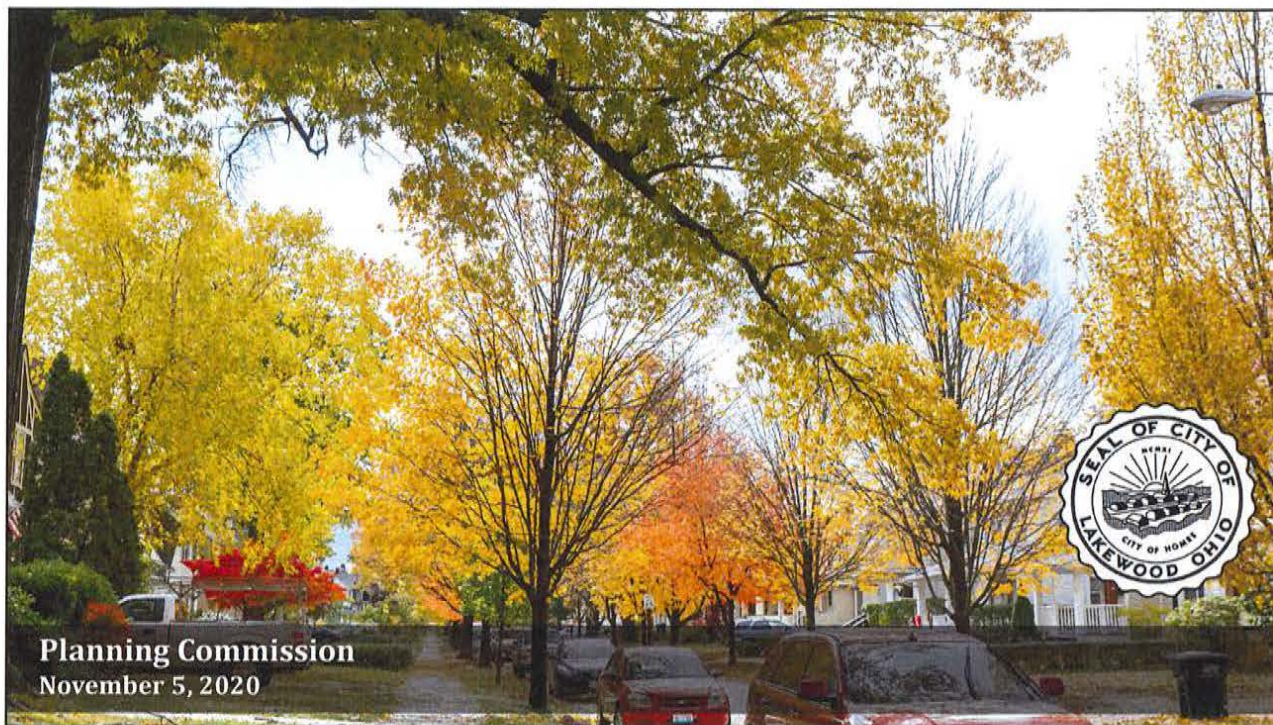
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Request

A conditional use permit to allow the operation of a parklet on Westwood Avenue; a conditional use for 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(5-22-2020). The property is in a C2 – Commercial, Retail district.

Recommended Condition:

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