

**AMENDED MINUTES
PLANNING COMMISSION
CITY OF LAKEWOOD
12650 DETROIT AVENUE
AUDITORIUM
MARCH 2, 2023
6:30 P.M.
RECORDED
<https://www.lakewoodoh.gov/videos-2/>**

The meeting was called to order at 6:30 p.m.

1. Roll Call

Members Present

Kyle Krewson, Chair
Nicholas LaPointe
Kyle Reisz
William Sanderson

Staff Present

Shawn Leiningner, P&D Director
Mark Papke, City Engineer
Amanda Cramer, City Planner

A motion was made by Mr. Krewson, seconded by Mr. LaPointe to **EXCUSE** the absence of Sean McDermott, Vice Chair. All the members voting yea, the motion passed.

2. APPROVE THE MINUTES OF THE FEBRUARY 2, 2023 MEETING

A motion was made by Mr. Krewson, seconded by Mr. LaPointe to **DEFER** the February 2, 2023 meeting minutes. All the members voting yea, the motion passed.

3. OPENING REMARKS

Mr. Leiningner read the Opening Remarks into record.

NEW BUSINESS

CONDITIONAL USE

**4. Docket No. 03-04-23
18605 Detroit Ave.
Harry Buffalo**

Gary Fischer, Fischer & Associates Architects Inc., applicant requests the review and approval for a conditional use permit to operate outdoor sidewalk dining, pursuant to section 1129.13 – supplemental regulations for outdoor/ seasonal dining facility. Property is in a C2 – Commercial, Retail district. (Page 7)

Gary Fischer, Fischer & Associates Architects Inc., applicant was present to explain the request. Staff provided an analysis of the proposal. The fence height would be 36", seating would be for 38 patrons, the tables were to be placed so as not to block egress/ingress to the building and maintain ADA accessibility. Public comment was closed as no one addressed the item. The members said it was a good addition to the area.

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

- **The fence height is to be 36 inches.**
- **At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.**
- **The tables shall be located in a manner so as not to block any required ingress/egress to the building, and ADA accessibility shall always be maintained.**

All the members voting yea, the motion passed.

**5. Docket No. 03-05-23
15625 Detroit Ave.
Bar Italia**

Richard Siegfried, RSA Architects, applicant requests the review and approval for a conditional use permit to operate outdoor sidewalk dining, pursuant to section 1129.13 – supplemental regulations for outdoor/ seasonal dining facility. Property is in a C2 – Commercial, Retail district. (Page 14)

Stephen Mills, RSA Architects, applicant representative was present to explain the request. Staff provided a summary of the proposal. The two-top table adjacent to the tree well could present a problem. Public comment was taken. Mike Pochadik, General Manager of Bar Italia, offered to place a grate over the tree well. The members agreed the addition of a grate in the tree well would help, and said the overall reduced three-foot width could pose a problem for the pedestrians and suggested the use of two-top tables only. Discussion continued about the number and positioning of the seats/tables and public safety; there would be two two-top tables, and three four-top tables. Mr. Papke stated the tree grate installation would be subject to the city's tree arborist's review.

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

- **A tree grate is to be provided as specified and reviewed by the City.**
- **The tables are spread across the storefront, particularly the table to the east.**
- **The four-table tops are to be rotated after hours when not in use during normal operations.**
- **The second table from the west is changed to a two-top table.**

All the members voting yea, the motion passed.

COMMUNICATION

**6. Docket No. 03-03-23
Communication from Shawn Leininger, Director of Planning and Development
Renewal of Conditional Use Permit for Outdoor Seasonal Dining**

The following businesses received approval for renewal of a Conditional Use permit for the year of 2023 through the annual administrative review by the Department of Planning and Development:

1. 11801 Clifton Boulevard, Dinerbar on Clifton.
2. 11904-08 Detroit Ave., Five O'Clock Lounge.

3. 14013 Detroit Ave., GetGo.
4. 14018 Detroit Ave., Winking Lizard (two front patios; SE and SW).
5. 14018 Detroit Ave., Lizardville.
6. 14115 Detroit Ave., Raising Cane's Chicken Fingers.
7. 14600 Detroit Ave., Forage Public House.
8. 14718 Detroit Ave., Melt Bar & Grilled.
9. 14900 Detroit Ave., Rozi's Wine House.
10. 15012 Detroit Ave., Dave's Hot Chicken.
11. 15326 Detroit Ave., Voodoo Tuna.
12. 15400 Detroit Ave., Humble Wine Bar.
13. 15605-07 1/2 Detroit Ave., Merry Arts Pub + Grille.
14. 16512 Detroit Ave., Cozumel Mexican Restaurant.
15. 16900-06 Detroit Ave., Lakewood Beer Garden + Food Truck Park.
16. 16934 Detroit Ave., Midtown Booths.
17. 17103 Detroit Ave., Game On Lakewood.
18. 17625 Detroit Ave., Salt+.
19. 18401 Detroit Ave., Molto Bene Italian Restaurant.
20. 18405 Detroit Ave., India Garden Bar & Restaurant.
21. 18616-18622 Detroit Ave., Around the Corner.
22. 12700 Lake Ave., Pier W Restaurant.
23. 11926 Madison Ave., The Flying Rib.
24. 12112 Madison Ave., The Winchester.
25. 12906 Madison Ave., Barroco.
26. 13362 Madison Ave., Woodstock.
27. 13368 Madison Ave., The Bottlehouse Brewery.
28. 13427 Madison Ave., Euro Gyro.
29. 13603 Madison Ave., Hako Sushi.
30. 13715 Madison Ave., Angelo's Pizza.
31. 14224 Madison Ave., El Tango Taqueria.
32. 15023 Madison Ave., Pachamama.
33. 15526 Madison Ave., Goodkind Coffee.
34. 15527-33 Madison Ave., Barrio's Lakewood.
35. 17014 Madison Ave., Mullen's of Madison.
36. 18120 Sloane Ave, Immigrant Son.
37. 1332 West 117th St., Dianna's Restaurant.
38. 1528 West 117th St., Dunkin' Donuts.

Temporary Outdoor Dining Permanent Renewals

39. 11822 Detroit Ave., The Ohio Inn.
40. 14718 Detroit Ave., Melt Bar and Grilled.
41. 15613 Detroit Ave., Nature's Oasis.
42. 16918-24 Detroit Ave., El Carnicero.
43. 17112 Detroit Ave., Cleveland Vegan.
44. 17625 Detroit Ave., Salt+.
45. 18260 Detroit Ave., Cilantro Taqueria.
46. 1384 Hird Ave, West 117 Development Phantasy, LLC/Fieldhouse.
47. 13368 Madison Ave., Rising Star Coffee.
48. 13735 Madison Ave., Dang Good Foods.

- 49. 14319 Madison Ave., Harlow's Pizza.
- 50. 14523 Madison Ave., Sarita a restaurant.
- 51. 15314-15400 Madison Ave., Mars Bar & Café. (rear drive only).
- 52. 15527 Madison Ave., Barrio.

(Page 4)

Jennifer Swallow, Assistant Law Director asked that Cilantro Taqueria, 18260 Detroit Ave. return for Conditional Use approval because of code violations pursuant to section 1161.06(t)(19). Two letters had been sent regarding the discharge of grease onto the parking lot that then flowed into the sewer system.

A motion was made by Mr. Krewson, seconded by Mr. Sanderson to require Cilantro Taqueria, 18260 Detroit Ave. to appear before the Planning Commission at its April 6, 2023 meeting. All the members voting yea, the motion passed.

Mr. Leininger explained the process for administrative renew of Conditional Use Permits for Outdoor Dining. The 2022 Temporary Outdoor Dining permits were reviewed for compliance under the revised code, and those that met the requirements would be made permanent, as under the purview of the Planning and Development Director. Those not meeting the requirements, or whose footprint changed, would apply to the Planning Commission for approval. Discussion ensued about the dining standards as established by the Architectural Board of Review. Some of the establishments were discussed individually.

A motion was made by Mr. LaPointe, seconded by Mr. Reisz to **RECEIVE AND FILE** the Communication. All the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. Krewson, seconded by Mr. LaPointe to **ADJOURN** the meeting at 7:26 p.m. All the members voting yea, the motion passed.



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. COARM FISUMER
- 2. STEPHEN MUMS
- 3. Mrs. Lockhart
- 4. _____
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____

- [Signature]
- [Signature]
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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, March 2, 2023

Planning Commission

March 2, 2023



Agenda

1. Roll Call
2. Adoption of Minutes – February 2, 2023
3. Opening Remarks
4. Communication: 2023 Renewal of Outdoor Dining Conditional Use Permits
5. Conditional Use Permit: 18605 Detroit – Harry Buffalo Outdoor Dining
6. Conditional Use Permit: 15625 Detroit – Bar Italia Outdoor Dining
7. Adjourn





Docket No. 03-03-23

City-Wide

COMMUNICATION – OUTDOOR DINING 2023 CONDITIONAL USE PERMIT RENEWAL

Communication

The background image shows an outdoor dining area of a restaurant. A brick building is visible in the background with a striped awning over the entrance. String lights are strung across the area, and several people are seated at tables. The scene is brightly lit, suggesting daytime.

1. Section 1161.06(t)(19) authorizes the Planning & Development Director to administratively renew Conditional Use Permits for Outdoor Dining if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined.
2. Review of Police Department reports showed no issues related to Outdoor Dining for the properties listed.
3. Temporary Conditional Use Permits that were used during the COVID-19 pandemic and meet the updated regulations are being renewed without the temporary status.
4. Renewals are at the discretion of the Planning & Development Director. Request the Planning Commission receive and file the communication.

Communication

5. Since the agenda and public notice were released, the City of Lakewood issued a third Notice of Violation to Cilantro Taqueria (18260 Detroit) for illicit charge into the public sewer system.
6. In accordance with Section 1161.03(t)(19), the Planning & Development Director can refer any Conditional Use Permit for Outdoor Dining to the Planning Commission for a public hearing.
7. Request the Planning Commission make a motion to set a public hearing at the next Planning Commission meeting to be held on April 6, 2023, beginning at 6:30pm for the review of the Conditional Use Permit for Outdoor Dining for Cilantro Taqueria (18260 Detroit).

18260 Detroit: Illicit Discharge





Docket No. 03-04-23
18605 Detroit Avenue

CONDITIONAL USE HARRY BUFFALO OUTDOOR DINING

An aerial photograph of a commercial district, showing various buildings, parking lots, and streets. The image is semi-transparent, allowing text to be overlaid. The buildings are mostly multi-story structures with flat roofs, and there are several parking areas with cars parked. The streets are visible as a grid pattern.

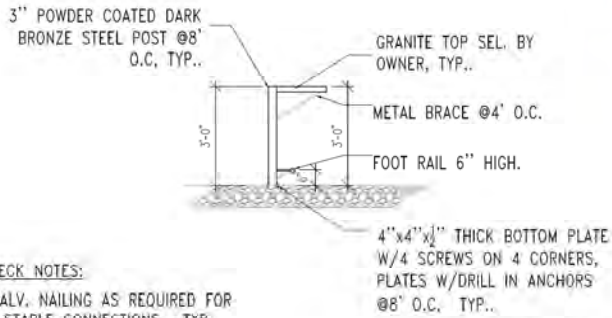
Request

The review and approval for an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facility. Property is in a C2, Commercial – Retail District.

Location Map







SPECIAL DECK NOTES:
 PROVIDE GALV. NAILING AS REQUIRED FOR ADEQUATE STABLE CONNECTIONS, TYP. THROUGHOUT U.O.N..
 ALL WOOD ELEMENTS SHALL BE #2 TREATED.

RAILING DESIGN SECTION
 $\frac{1}{2}" = 1'-0"$



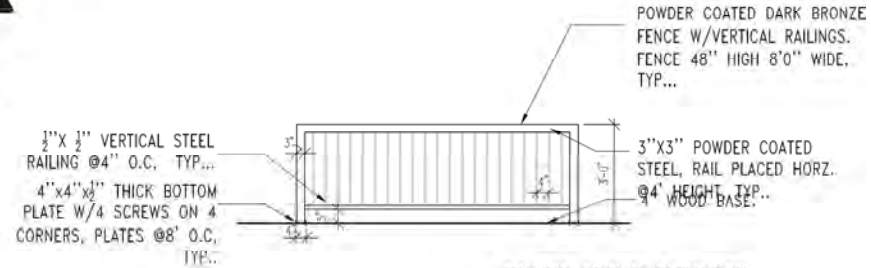
ADJACENT RAILING



GRANITE TABLE TOP



RAILING BAR EXAMPLE



RAILING DESIGN ELEVATION
 $\frac{1}{2}" = 1'-0"$



Amenity Plan



1161.02 GENERAL STANDARDS FOR ALL CONDITIONAL USES.

In addition to any specific regulations required by this Code or the Ordinances, the Commission shall find:

- (a) That the conditional use will be consistent with the general objectives, or any specific objectives, for the zoning district in which it is located, as set forth in this Code and the Vision.
- (b) That the 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) That the conditional use will not change the essential character of the general vicinity in which it is located.
- (d) That the conditional use will not be injurious to the uses permitted by right in the immediate vicinity, nor substantially diminish or impair property values within said vicinity.
- (e) That establishment of the conditional use will not impede the normal and orderly development of uses permitted by right in the immediate vicinity.
- (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.
- (g) That adequate measures have been taken to minimize traffic congestion on public streets.
- (h) That the conditional use will not suffer substantial hardship in the future due to the conditional use being surrounded by uses permitted by right, which are incompatible with the conditional use.



1161.03(t) SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

In addition to the general standards established in Section 1161.02, the following specific conditions shall apply to each use or class of uses listed in this Section 1161.03. Nothing in this Section shall prohibit the Commission from prescribing supplementary conditions and safeguards in addition to these requirements, or where no specific conditions are stated.:

<https://www.rdso3donline.com/Lakewood/0/doc/5588475/Page1.aspx>

Recommendation


City Staff have determined the requirements for approval of an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facilities, have been met and recommend approval with following conditions:

1. To clarify a discrepancy between the site plan and plan details, the fence height is to be 36 inches.
2. At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.
3. The tables shall be located in a manner so as not to block any required ingress/egress to the building and ADA accessibility shall always be maintained.



Docket No. 03-05-23
15625 Detroit Avenue

CONDITIONAL USE BAR ITALIA OUTDOOR DINING



Request

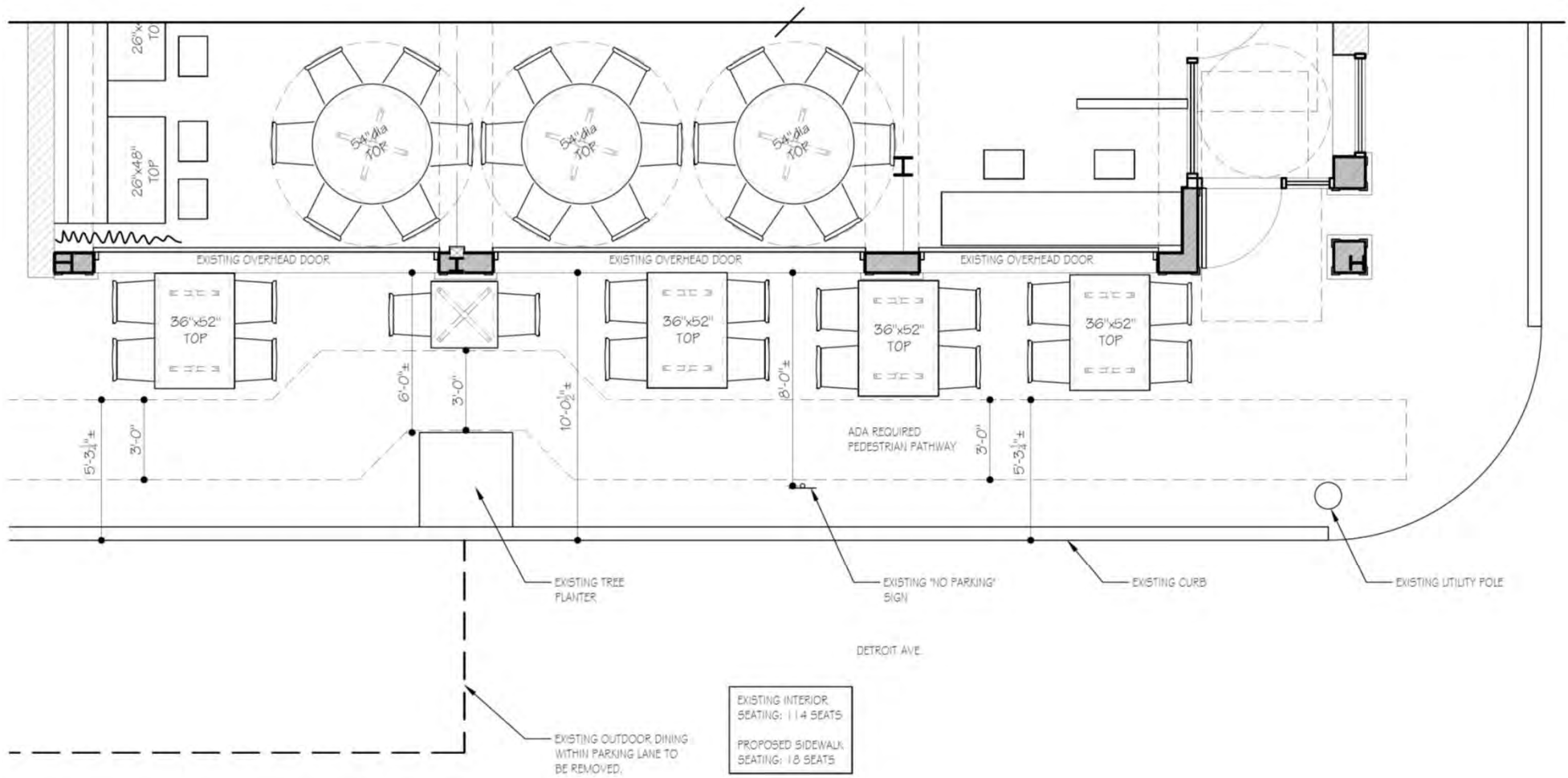
The review and approval for an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facility. Property is in a C2, Commercial – Retail District.

Location Map









Site Plan





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Recommendation

City Staff have determined the requirements for approval of an outdoor dining facility, pursuant to Section 1129.13 – Supplemental Regulations for Outdoor Dining Facilities, have been met and recommend approval with following condition:

1. In the event the two-top table shown on the site plan cannot be placed in a manner to meet minimum ADA accessibility requirements of the public right-of-way it shall be removed.

Planning Commission

March 2, 2023

