

**MINUTES  
PLANNING COMMISSION  
CITY OF LAKEWOOD  
12650 DETROIT AVENUE  
AUDITORIUM  
MARCH 7, 2024  
6:00 P.M.  
RECORDED  
<https://www.lakewoodoh.gov/videos-2/>**

**1. ROLL CALL**

Members Present

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

Staff Present

David Baas, Assistant Director, P&D  
Jennifer Swallow, Executive Assistant Law Director  
Shawn Leininger, Director, P&D  
Mark Papke, City Engineer

**2. APPROVE THE MINUTES OF THE FEBRUARY 1, 2023 MEETING**

A motion was made by Mr. Sanderson, seconded by Mr. LaPointe to **APPROVE** the February 1, 2024 meeting minutes. All the members voted yea; the motion passed.

**3. OPENING REMARKS**

Mr. Baas read the Opening Remarks into record.

**4. Docket No. 03-06-24  
18228 + 18240 Sloane Ave.  
HELP Foundation, Inc.**

Doug Knoop, HELP Foundation, Inc., applicant requests approval for lot consolidation of P.P.N. 311-16-014 and P.P.N. 311-16-108, pursuant to Section 1155.06 – procedures for lot consolidations and resubdivision. Property is located in the C2, Commercial and Retail district. (Page 4)

Doug Knoop, HELP Foundation, Inc., applicant was present to explain the request. Staff stated it was a straightforward lot consolidation. Staff had not received public comment prior to the meeting, and public comment was closed as not one in attendance addressed the item.

A motion was made by Mr. Sanderson, seconded by Mr. LaPointe to **APPROVE the request as submitted**. All of the members voted yea; the motion passed.

**5. Docket No. 03-07-24  
11818 and 11810 Madison Ave.  
RISE Lakewood**

Jonathan Ziegen, Osborn Engineering, applicant requests approval for lot consolidation of P.P.N. 315-15-017, P.P.N. 315-15-104, and P.P.N. 315-15-063 - pursuant to Section 1155.06 – procedures for lot

consolidations and resubdivision and then split into parcels "A" and "B" – pursuant to Section 1155.07 – procedures for lot splits. Property is located in the C3, Commercial and Business district. (Page 8)

Jonathan Ziegan, Osborn Engineering, applicant was present to explain the request. Staff provided administrative comments. Public comment included email submission from LakewoodAlive (provided to Board) and was then closed as no one in attendance addressed the item. The members questioned the timing of the building demolition and the recording of the plat map. Staff recommended approval with two conditions.

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

- **Contingent upon the review and approval of the city's Engineer.**
- **The plat is held for recording until such time the building is demolished.**

All of the members voted yea; the motion passed.

### **CONDITIONAL USE**

**6. Docket No. 03-08-24  
15001 Madison Ave.  
The Grooming Loft by Sophie**

Suphattra Saichampa, The Grooming Loft by Sophie, applicant requests a conditional use permit for the expansion of an existing business, pursuant to Section 1161.03 – Supplemental regulations for specific uses. Property is located in the C2, Commercial and Retail district. (Page 20)

Suphattra Saichampa, The Grooming Loft by Sophie, applicant was present to explain the request. Staff provided administrative comments and recommended approval. No public comment was received prior to the meeting. The members asked if there were any noise complaints. Staff was not aware of any. The members suggested the applicant mitigate any potential noise issue by insulating the new wall separating the businesses.

A motion was made by Mr. Reisz, seconded by Ms. Gall to **APPROVE the request as submitted.** All of the members voted yea; the motion passed.

### **COMMUNICATION**

**7. Docket No. 03-09-24  
Communication from David Baas, Assistant 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 2024 through the annual administrative review by the Department of Planning and Development:

1. 11801 Clifton Boulevard, Dinerbar on Clifton.
2. 11822 Detroit Ave., The Ohio Inn
3. 11904-08 Detroit Ave., Five O'Clock Lounge.
4. 12401 Detroit Ave., Peppers Italian Restaurant.
5. 14013 Detroit Ave., GetGo.
6. 14018 Detroit Ave., Winking Lizard (two front patios; SE and SW).
7. 14018 Detroit Ave., Lizardville.
8. 14115 Detroit Ave., Raising Cane's Chicken Fingers.

9. 14600 Detroit Ave., Forage Public House.
10. 14701 Detroit Ave., Sauced Tap Room & Kitchen.
11. 14718 Detroit Ave., Melt Bar & Grilled.
12. 14900 Detroit Ave., Rozi's Wine House.
13. 15012 Detroit Ave., Dave's Hot Chicken.
14. 15027 Detroit Ave., Starbucks.
15. 15319 Detroit Ave., Ohio Tea House.
16. 15320 Detroit Ave., Tapster Cleveland.
17. 15326 Detroit Ave., Voodoo Tuna.
18. 15400 Detroit Ave., Humble Wine Bar.
19. 15605-07 1/2 Detroit Ave., Merry Arts Pub + Grille.
20. 15613 Detroit Ave., Nature's Oasis.
21. 15625 Detroit Ave., Bar Italia.
22. 16512 Detroit Ave., Cozumel Mexican Restaurant.
23. 16719 Detroit Ave., Plank Road Tavern.
24. 16900-06 Detroit Ave., Lakewood Beer Garden + Food Truck Park.
25. 16918 Detroit Ave., El Carnicero aka Top Rope.
26. 16934 Detroit Ave., Midtown Booths.
27. 17103 Detroit Ave., Game On Lakewood.
28. 17112 Detroit Ave., Cleveland Vegan.
29. 17625 Detroit Ave., Salt+.
30. 17917 Detroit Ave., Sacred Hour Spa.
31. 18206 Detroit Ave., Ave. Mercury.
32. 18260 Detroit Ave., Cilantro Taqueria.
33. 18401 Detroit Ave., Molto Bene Italian Restaurant.
34. 18405 Detroit Ave., India Garden Bar & Restaurant.
35. 18515 Detroit Ave., Georgetown Restaurant.
36. 18605 Detroit Ave., Harry Buffalo.
37. 18616-18622 Detroit Ave., Around the Corner.
38. 1384 Hird Ave., West 117 Development Phantasy, LLC/Fieldhouse
39. 12700 Lake Ave., Pier W Restaurant.
40. 11922 Madison Ave., East End Bistro.
41. 11926 Madison Ave., The Flying Rib.
42. 12102 Madison Ave., Hola Taco.
43. 12112 Madison Ave., The Winchester.
44. 12401 Madison Ave., Griffin Cider House.
45. 12420 Madison Ave., K-Town Restaurant & Market.
46. 12906 Madison Ave., Barroco (rear patio and sidewalk dining).
47. 13333 Madison Ave., Hammer and Nails.
48. 13362 Madison Ave., Woodstock.
49. 13368 Madison Ave., The BottleHouse Brewery.
50. 13368 Madison Ave., Rising Star Coffee.
51. 13427-29 Madison Ave., Euro Gyro Restaurant.
52. 13603 Madison Ave., Hako Sushi aka AJI Noodle.
53. 13715 Madison Ave., Angelo's Pizza.
54. 13735 Madison Ave., Dang Good Foods.
55. 13741 Madison Ave., Back Alley Social Club
56. 13749 Madison Ave., McGinty's Pub.
57. 14224 Madison Ave., El Tango Taqueria.
58. 14319 Madison Ave., Harlow's Pizza.
59. 14523 Madison Ave., Sarita Restaurant

- 60. 14810 Madison Ave., The Red Rose Cafe
- 61. 15023 Madison Ave., Pachamama.
- 62. 15314 and 15400 Madison Ave., Mars Bar.
- 63. 15315 Madison Ave., Buckeye Beer Engine.
- 64. 15526 Madison Ave., Goodkind Coffee.
- 65. 15527-33 Madison Ave., Barrio's Lakewood
- 66. 17014 Madison Ave., Mullen's of Madison.
- 67. 18120 Sloane Ave., Immigrant Son.
- 68. 1332 West 117<sup>th</sup> Street, Dianna's Restaurant.
- 69. 1528 West 117<sup>th</sup> Street, Dunkin' Donuts.

(Page 22)

David Baas, Assistant Director of Planning and Development explained the administrative renewals and requested that three businesses are brought before the Commission for renewal hearings. The members were concerned about umbrellas with advertising (visible to the public), asked for parameters regarding the CAD Reports, and activities of specific businesses.

A motion was made by Mr. LaPointe, seconded by Mr. Sanderson to **APPROVE the Communication with three exceptions that are directed to appear before the Planning Commission on April 4, 2024 meeting:**

- **Mercury, 18206 Detroit Ave. (31 on the agenda)**
- **El Tango Taqueria, 14224 Madison Ave. (57 on the agenda)**
- **Mars Bar, 15314/15400 Madison Ave. (62 on the agenda)**

All of the members voted yea; the motion passed.

**8. Docket No. 03-10-24**

**Communication from David Baas, Assistant Director of Planning and Development  
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 25)

Shawn Leininger, Director for the Department of Planning and Development was present to explain the communication. Rules and regulations were still pending with the Department of Legislature and the formation of a new Department of Cannabis. Staff recommended the item is tabled until things were finalized by the State of Ohio.

A motion was made by Mr. Sanderson, seconded by Mr. LaPointe to **TABLE the COMMUNICATION.** All of the members voted yea; the motion passed.

**ADJOURN**

Mr. McDermott **ADJOURNED** the meeting at 6:42 p.m.

  
\_\_\_\_\_  
Signature

4/4/24  
\_\_\_\_\_  
Date

*[Handwritten scribble]*



**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. Doug Kuopf

[Signature]

2. Joni ZEGAN

[Signature]

3. Supattra Saichampa

[Signature]

4. \_\_\_\_\_

\_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_

6. \_\_\_\_\_

\_\_\_\_\_

7. \_\_\_\_\_

\_\_\_\_\_

8. \_\_\_\_\_

\_\_\_\_\_

9. \_\_\_\_\_

\_\_\_\_\_

10. \_\_\_\_\_

\_\_\_\_\_

11. \_\_\_\_\_

\_\_\_\_\_

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 7, 2024

page 1 of 1

## Johanna Schwarz

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**From:** Brian Meng <bmeng@bialosky.com>  
**Sent:** Wednesday, March 6, 2024 10:10 AM  
**To:** Johanna Schwarz  
**Cc:** David Baas; Amanda L. Cramer; Ian Andrews; amyjhaney@gmail.com  
**Subject:** 3/7 Planning Commission Agenda - LakewoodAlive Comments

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 03/07/2024 Pre-Review Meeting.

Thanks for sending this. Below are a couple of comments.

1. Docket Number: 03-06-24, HELP Foundation
  1. No comment.
2. Docket Number: 03-07-24, RISE Lakewood
  1. Although we believe the idea of the lot split was always intended on the prior site plan submission, we suggest the PC inquire if this will impact RISE's parking plan since it straddles both parcels.
3. Docket Number: 03-08-24, The Grooming Loft by Sophie
  1. No comment.
4. Docket Number: 03-09-24, Conditional Uses for Outdoor Seasonal Dining
  1. 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. It is exciting to see so many developments occurring in Lakewood and tenant applying for outdoor seasonal dining.

Thank you,

**BIALOSKY**

**BRIAN MENG RA, LEED AP**  
Principal | Architect

[P 216-767-2023](tel:216-767-2023)

**Always By Design.** [6555 Carnegie Ave. | Cleveland, OH 44103](https://www.bialosky.com)

**BIALOSKY**

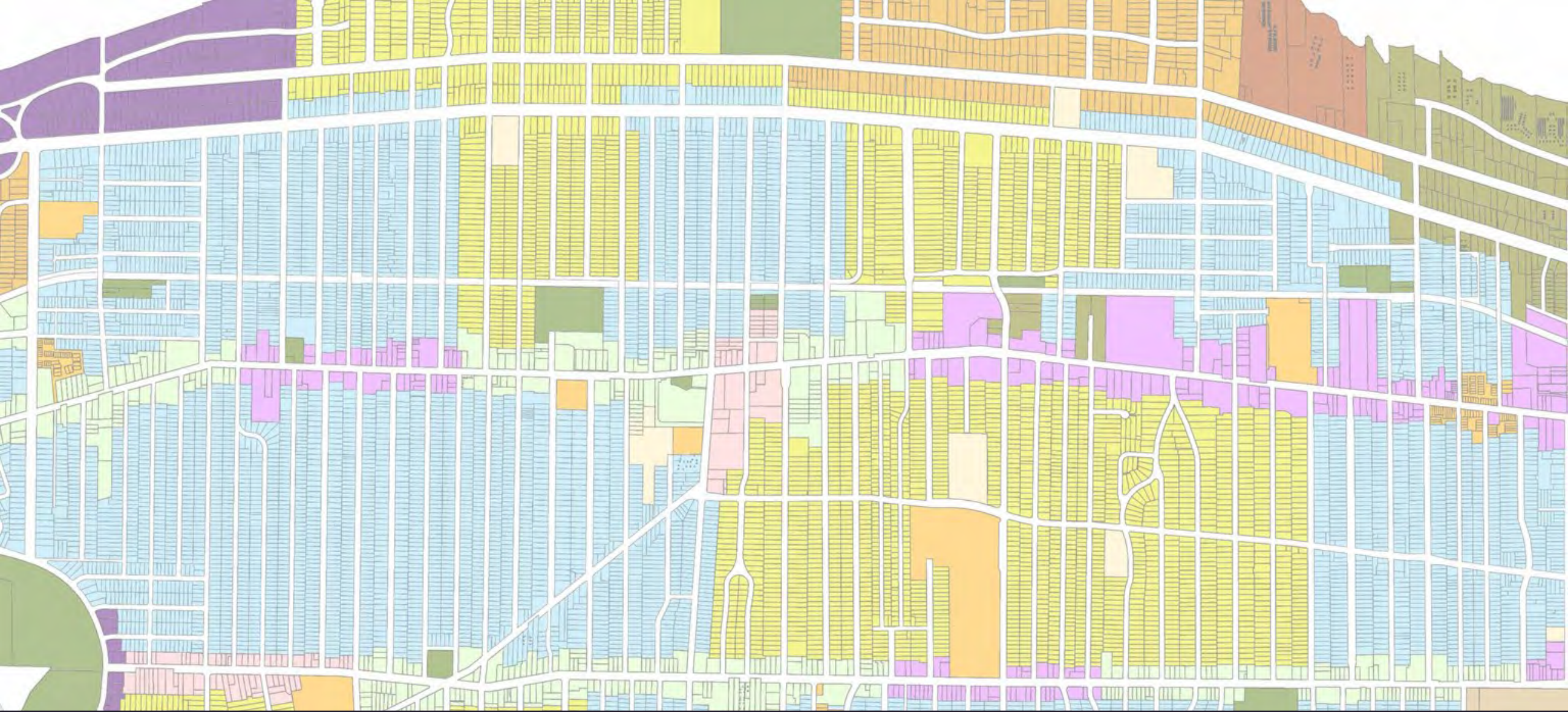
**BRIAN MENG** RA, LEED AP

Principal | Architect

P 216-767-2023

**Always By Design.**

**6555 Carnegie Ave. | Cleveland, OH 44103**



# Planning Commission

March 2024





## **Planning Commission** **March 2024 Agenda**

1. Roll call
2. Adoption of minutes – February 2024 meeting
3. Opening Remarks
4. 03-06-24: 18228 + 18240 Sloane (Lot Split/Consolidation)
5. 03-07-24: 11818 + 11810 Madison (Lot Split/Consolidation)
6. 03-08-24: 15001 Madison (Conditional Use - Expansion)
7. 03-09-24: Communication (Outdoor Dining Renewals)
8. 03-10-24: Communication (Medical/Adult Use Marijuana)
9. Adjourn



**Docket 03-06-24 – 18228 + 18240 Sloane**  
**Lot Split/Consolidation**



## Request (03-06-24)

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

- Chapter 1155 – Subdivision Regulations.

Property is in a C2, Commercial (Retail) District.

18240 Sloane Ave



# 18228 + 18240 Sloane



# 18228 + 18240 Sloane





aid County and State, personally appeared the  
d that he did sign the foregoing instrument and

my hand and official seal at \_\_\_\_\_  
2024.

Notary Public

My commission expires \_\_\_\_\_

# NORFOLK & WESTERN RAILROAD 66'

(FORMERLY NEW YORK, CHICAGO AND ST. LOUIS RAILROAD)

**Parcel "A"**  
0.9974 Acres  
43,446 Sq.Ft.

The Mathews  
& Gilbert High  
Bridge Park  
Subdivision No. 4  
Volume 30, Page 10  
of C.C.M.R.

P.P.N. 311-14-098  
Norfolk & Western  
Railroad Company  
(by merger 10-16-1964)

P.P.N. 311-16-014  
Help Foundation, Inc.  
02-28-2018  
AFN. 201802280771

P.P.N. 311-17-002  
Narpark Invest LLC  
01-09-2002  
AFN. 20020191486

# SLOANE AVENUE 70'

(DEDICATION VOLUME 35, PAGE 10 C.C.M.R.)  
(A PUBLIC RIGHT-OF-WAY)

HELP FOU  
18240 SL  
P.P.N. 3  
P.P.N. 3  
OR  
PARC  
CITY OF LA

Situated in the City of Lakewood,  
Ohio and known as being all of S/L  
in the Mathews & Gilbert High Bridge  
Park subdivision, the plat recorded in Volume 30, Page 10  
and part of the Original Rockport

## CITY APPROVALS

This Plat of Lot Consolidation is accepted  
by the \_\_\_\_\_  
Chairman of the City of Lakewood, Ohio

Chairman of City Planning

This Plat of Lot Consolidation is accepted  
by the \_\_\_\_\_  
Secretary of the City of Lakewood, Ohio

Secretary of City Planning

This Plat of Lot Consolidation is accepted  
by the \_\_\_\_\_  
Lakewood, Ohio this \_\_\_\_\_ day of \_\_\_\_\_

City Engineer

Place of  
Beginning

5/8" Iron Pin in  
Monument Box  
Found & Used  
@ Kenilworth, Avs.

entertine  
Property Line

# **Recommendation (03-06-24) – Lot Split/Consolidation**

Approval – contingent on Engineer review.





**Docket 03-07-24 – 11818 + 11810 Madison**  
**Lot Split/Consolidation**



## Request (03-07-24)

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

- Chapter 1155 – Subdivision Regulations.

Property is in a C3, Commercial (General) District.

11818 Madison Ave



# 11818 + 11810 Madison

Newman Ave

Newman Ave

Coutant Ave

Coutant Ave

Madison Ave

Madison Ave

Madison Ave

Madison Ave

Madison Ave

Fifth Third Bank

Burger King

Joe's Deli



# 11818 + 11810 Madison



MADISON AVE CR-61





**NEWMAN AVENUE 60'**  
(PUBLIC ROADWAY)

N0025'25"W 881.40' obs.

N0025'25"W 158.98' rec. 158.96' calc.

PPN 315-15-024  
MADISON AVENUE CAR WASH, LLC  
AFN 202211100292

PPN 315-15-064  
PETER RAJAK  
AFN 201201200553

N89'19'56"E 111.50' rec. 111.61' calc.

PPN 315-15-101  
CASH CROP FARMS LLC  
AFN 201908060394

40.05' rec.  
39.42' calc.  
nail fd.  
0.09' W. of R/W

S89'33'04"E 111.51' rec. 111.62' calc.

N89'33'04"W  
8.79'r. 8.59'c.

N00'25'25"W  
41.72' deed  
41.77' rec.  
41.60' calc.

N89'19'56"E 70.48' d.  
70.70' r. 70.38' c.

PPN 315-15-063  
11818 MADISON AVE, LLC.  
AFN 202008210260  
PARCEL 5

RESUBDIVISION FOR  
CHARLES SCHILLA, JR.  
VOL. 226, PG. 150

1/2" i.pin  
fd. & used

nail fd.  
N72'40'24"E  
0.89'

3/4" i.pipe fd.  
S23'38'01"W 0.29'

LOT CONSOLIDATION OF  
PARCEL "A" FOR  
THOMAS T. GEORGE  
AFN 201906140535

**PARCEL "A" AREA**  
18,109  
0.4157  
SQ. FT.  
ACRES

N00'27'03"W 154.98' deed 154.20' rec. & used

PPN 315-15-022  
MADISON GARDENS APARTMENTS, LLC  
AFN 201610120547

EX. 1 STORY BRICK BLDG.  
"RISE MEDICAL MARIJUANA DISPENSARY"  
ADD. #11818 MADISON AVE.

PPN 315-15-104  
11818 MADISON AVE, LLC  
AFN 202008210260  
PARCEL 4

PPN 315-15-019  
11818 MADISON AVE, LLC.  
AFN 202008210260  
PARCEL 3

EX. 1 STORY BRICK BLDG.  
"FORMER HERTZ"  
ADD. #11800 MADISON AVE  
BUILDING TO  
BE DEMOLISHED

PPN 315-15-018  
11818 MADISON AVE, LLC.  
AFN 202008210260  
PARCEL 2

PPN 315-15-017  
11818 MADISON AVE, LLC.  
AFN 202008210260  
PARCEL 1

**PARCEL "B" AREA**  
12,835  
0.2947  
SQ. FT.  
ACRES

S89'32'25"E 131.96' rec. & used

S00'11'05"W 40.00'r.&u.

N01'49'06"W 101.19' calc.

S88'10'54"W 103.39' calc.

51.93' r. 51.95' c.

S88'10'54"W 128.50' calc.

55.04' r. 55.07' c. 65.07' r. 65.04' c.

S88'10'54"W 231.89' calc.

N88'10'54"E 120.38' rec. 120.31' calc.

Parcel No.1  
Vol. 5469  
Pg. 517

Warranty  
Vol. 5248

Deed  
Pg. 674

5/8" i.pin (bent)  
fd. 0.58' N. of R/W

Parcel No.2  
Vol. 5469  
Pg. 517

17.98'r.&u.  
19.17'r.  
19.16'c.

Parcel II  
Vol. 13334  
Pg. 583

Parcel I  
Vol. 13334  
Pg. 583

Warranty Deed  
Vol. 5248 Pg. 676

23.42'r.  
23.41'c.

26.00' r.&u.

Original Right of Way Line

REPLAT FOR CHARLES J. BRAAT  
VOL. 230, PG. 3

PPN 315-15-098  
1624 COUTANT AVENUE LLC  
AFN 201606240365

**COUTANT STREET 60'**  
(PUBLIC ROADWAY)

N00'11'05"E

3/4" i.pin mon.  
fd. & used

3/4" i.pin mon.  
fd. & used

# **Recommendation (03-07-24) – Lot Split/Consolidation**

Approval – contingent on Engineer review.





15001 Madison Ave

**Docket 03-08-24 – 15001 Madison**  
**Conditional Use (Expansion)**



## Request (03-08-24)

The review and approval of **Conditional Use (Expansion)** pursuant to:

- Chapter 1161 – Conditional Uses (1161.03(b) – Grooming Services)

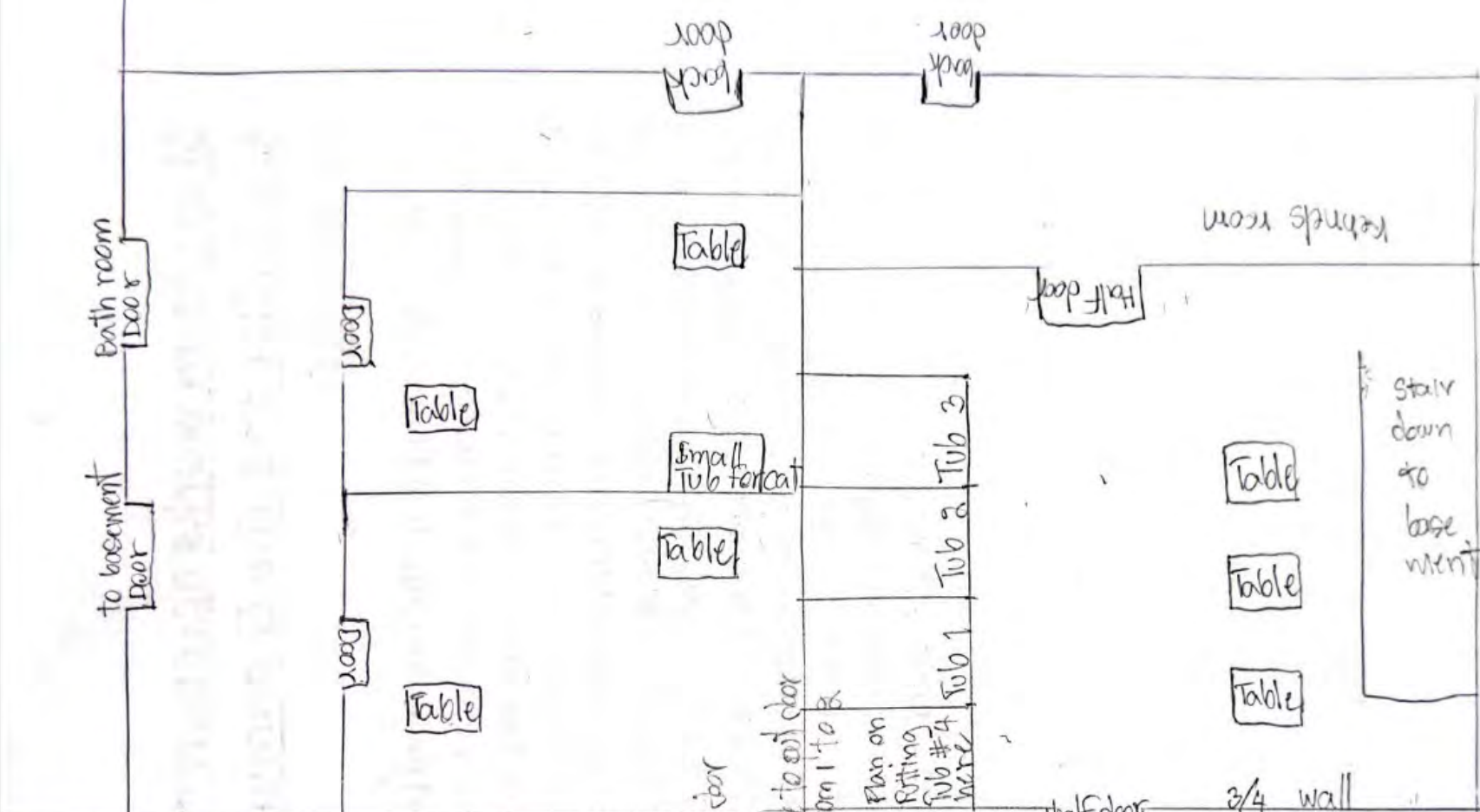
Property is in a C2, Commercial (Retail) District.

15001 Madison Ave



# 15001 + 15003 Madison





Note: Each space is approximately 14' wide by 41' deep  
 Existing Storefront: 574ft<sup>2</sup>  
 Expansion: 574ft<sup>2</sup>  
 Total: 1,148ft<sup>2</sup>

Plan on putting door  
 \*Someday wish that I'd like to exit door  
 So we can walk through from 1 to 2

Plan on putting  
 fitting  
 Tub #4  
 here

15001

15003

# Previous Business: Pretty Coat Junction

Board of Zoning Appeals – Original Approval (Aug 1989)

Planning Commission – Sale/Conditional Use re-approval (Aug 2013)

8.       Docket 08-24-13                   15003 Madison Avenue  
  Pretty Coat Junction

Christine Mullin, applicant requests a Conditional Use permit for an existing business being sold "as is" with no changes in personnel other than the owner, pursuant to Section 1173.02 – Conditional Use Permits. The property is located in a C2, Commercial and Retail district. (Page 23)

Christine Mullin, applicant was present to explain the request. The business was for dog and cat grooming. No changes had been made to the establishment. There were no concerns about the business from the City's perspective.

There were no comments or questions from the public.

A motion was made by Mr. Stockman, seconded by Mr. Metzger, to GRANT the request. All of the members voting yea, the motion passed.



## 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) ...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) ...will be designed, constructed, operated and maintained so as **not to be detrimental to or endanger the public health, safety, or general welfare.**
- (c) **...will not change the essential character of the general vicinity** in which it is located.
- (d) **...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) **...will not impede the normal and orderly development of uses permitted by right** in the immediate vicinity.
- (f) ...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) ...adequate measures have been taken to minimize traffic congestion on public streets.
- (h) ...will not suffer substantial hardship in future due to conditional use being surrounded by uses permitted by right, which are incompatible...
- (i) ...shall, in all other respects, conform to applicable regulations of the district in which it is located as well as the specific conditions set forth in Section 1161.03.
- (j) A Conditional Use Permit issued pursuant to this Chapter may not be transferred to any other person or address.
- (k) N/A (Mixed Use Overlay development)

Notwithstanding anything in this Chapter or this Section to the contrary, where the Commissioner determines, after compliance with the requirements of Section 1173.02, that a permit holder seeking renewal of a permit issued pursuant to this Section has remained in compliance with the conditions of said permit, the Commissioner may issue such renewal.



## **(b) ANIMAL CLINICS/HOSPITALS, VETERINARIAN OFFICES, AND GROOMING SERVICES.**

In a C2 Retail District, animal clinics/hospitals, veterinarian offices, and grooming services may be permitted as a conditional use provided that:

- 1) There shall be four (4) off-street parking spaces for each veterinarian or groomer practicing at the location of the proposed use;
- 2) No outside animal runs, stalls, or cages shall be permitted on the lot; and
- 3) The proposed use shall not be located in any structure housing a residential use.

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



## Recommendation (03-08-24) – Conditional Use (Expansion)

### Approval.

- Requirement for four parking spaces per groomer (dating to 1996) is inconsistent with current (2016) parking code.
  - Proposed expansion adds ~574 ft<sup>2</sup> to the existing ~574 ft<sup>2</sup> (total of 1,148ft<sup>2</sup>)
  - 1143.05 (Schedule of Uses/Parking Requirements) provides that businesses occupying existing building/tenant spaces ≤2,500 sq. ft. are not required to provide off-street parking.
- Grooming business has successfully existed at this location since 1989.
  - Operating Hours (8am – 5pm); No overnight boarding, animals dropped off/picked up.
  - For 35 years, this use has been in structure housing a residential use.



**Docket 03-09-24**

**Communication (Outdoor Dining Renewals)**



## Request (03-09-24)

The review and renewal of **Conditional Use (Outdoor Seasonal Dining)** pursuant to:

- Section 1161.03 (t) – Outdoor Dining Facility

69 existing facilities are up for renewal (per agenda).



### **(t) Outdoor Dining Facility.**

Any person operating a restaurant, bar, tavern, or nightclub use...may be permitted to operate an outdoor dining facility as a conditionally permitted accessory use subject to the following:

(1) (application...)

(2) The outdoor dining facility shall be **located directly adjacent to the lawfully operating restaurant use**. The outdoor dining facility may be located immediately adjacent to the front of the restaurant use, on the side or rear of the restaurant use or as approved by the Planning Commission.

(3) The floor space of the outdoor dining facility and any walkway connecting such facility with the restaurant use and the parking lot or any public or private sidewalk shall be constructed of an approved hard surface material meeting all local, state, and federal requirements, including, where applicable, the current United States Access Board Public Right-of-Way Accessibility Guidelines (PROWAG).

(4) The applicant **must keep the outdoor dining facility sanitary, neat and clean at all times**, free from accumulation of food, litter, snow, ice, and other potentially dangerous or unsanitary matter.

(5) The outdoor dining facility **must be in compliance with the Americans with Disabilities Act**, 42 U.S.C. § 12101 et seq. (as used in this section, the "ADA"), and at a minimum allow for five feet of continuous pedestrian access width along the public sidewalk free from all obstruction and must not create any pedestrian hazards. With the concurrence of the Public Safety Director, Police Chief, Fire Chief, Building Commissioner, Public Works Director, and City Engineer, the Planning Commission may allow a reduced minimum width of continuous pedestrian access to be permitted as allowed by the current PROWAG where the applicant can demonstrate that passing spaces will be available within the public right-of-way and within the frontage of the storefront, at the maximum interval of fifty feet, and have a minimum passing space recommended by the PROWAG that is free of all obstructions.



**(t) Outdoor Dining Facility.**

(6) An applicant whose restaurant use is at an intersection of public streets **shall not locate the outdoor dining facility in a manner that will impede vehicular sight distance at that intersection.** Setbacks from the intersection for the outdoor dining area will be determined by the Planning Commission on an individual basis specific to individual site conditions after review and recommendation by the Public Safety Director, Police Chief, Fire Chief, Building Commissioner, Public Works Director, and City Engineer.

(7) The **maximum number of seats for the outdoor dining facility will be determined by the Planning Commission** upon review of the amount of space available, compliance with minimum parking and other requirements of Zoning Code, the PROWAG, Building Code, and other applicable local, state, and federal requirements.

(8) **Applicants who serve alcoholic beverages** as part of their restaurant use must meet all requirements of the Ohio Department of Commerce, Division of Liquor Control, and the following standards:

A. Where an outdoor dining facility or any portion of an outdoor dining facility is located on public property, the owner of the facility shall **sign a use of public property agreement approved by the Director of Law** that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the outdoor dining facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the outdoor dining facility conditional use by the Planning Commission, the Director is authorized to enter into the use of public property agreement on behalf of the City.

B. **A barrier on some or all sides of the outdoor dining facility may be required.** The Planning Commission will make a determination as to the extent and location of a barrier necessary for the outdoor dining facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines, Building Code, Ohio Fire Code, Ohio Department of Commerce, Division of Liquor Control requirements.

C. The **entrance to the outdoor dining facility must be easily recognizable and adjacent to or as close to a publicly used door of the restaurant** use as is commercially practicable in the Planning Commission's determination and comply with the Ohio Fire Code.

D. Unless authorized by the establishment of a designated outdoor refreshment area in accordance with Ohio Revised Code, **no person shall be permitted to carry alcoholic beverages from the outdoor dining facility to any place outside the outdoor dining facility except the adjacent restaurant use**, and the facility shall be designed in a way so as to maintain compliance with this provision.



## **(t) Outdoor Dining Facility.**

**(9) Applicants who do not serve alcoholic beverages** as part of their restaurant use must meet the following standards:

A. Where an outdoor dining facility or any portion of an outdoor dining facility is located on public property, the owner of the facility shall **sign a use of public property agreement approved by the Director of Law** that indemnifies and holds the City harmless from any claims, liability or damages arising from the operation or location of the outdoor dining facility, and shall provide an insurance policy in an amount approved by the Director of Law with the City named as an additional insured. Upon approval of the outdoor dining facility conditional use by the Planning Commission, the Director is authorized to enter into the use of public property agreement on behalf of the City.

B. **A barrier on some or all sides of the outdoor dining facility may be required.** The Planning Commission will make a determination as to extent and location of a barrier necessary for the outdoor dining facility. Any such barrier shall be in accordance with the Outdoor Dining Design Guidelines and the Ohio Fire Code.

**(10) The outdoor dining facility must have adequate illumination during evening hours** in accordance with the Outdoor Dining Design Guidelines. All lighting will be designed to minimize the intrusive effect of glare and illumination upon abutting areas, especially residential properties pursuant to Section 1306.311.

**(11) Buffering with landscaping or fencing of the outdoor dining facility, if the facility is adjacent to residential or sensitive uses, may be required.** Buffering requirements will be determined by the Planning Commission and shall be in accordance with the Outdoor Dining Design Guidelines.

**(12) An outdoor dining facility with a capacity of more than eight seats shall be included in the gross floor area square footage to determine parking space requirements** per Chapter 1143.

**(13) Furniture and enclosures located within the outdoor dining facility may not be stored on the public right-of-way and must be removed entirely from the right-of-way on or before November 30 through March 31.** From December 1 through March 31, and in order to take advantage of unseasonable weather or special events, the Director shall have the authority to allow a single-day use of the public right-of-way in accordance with any approved conditional use permit. All furniture and fixtures used in an outdoor dining facility in the public right-of-way must be readily removable without damage to the surface of the right-of-way. An outdoor dining facility located entirely on private property is permitted year-round with prior approval of the Planning Commission.



**(t) Outdoor Dining Facility.**

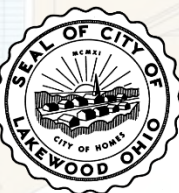
(14) An outdoor dining facility shall **operate only between the hours of 8:00 a.m. and 10:00 p.m. Sunday through Thursday, 8:00 a.m. Friday to 1:00 a.m. Saturday and 8:00 a.m. Saturday to 1:00 a.m. Sunday.** The limitations set forth herein, and any additional limitations placed on hours of operation as may be determined by the Planning Commission, are designed to assure adequate peace, quiet and serenity in the evening and morning hours during which residents of the City are entitled to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas. The Planning Commission may temporarily extend the hours and dates of operation of any outdoor dining facility where the outdoor dining facility is located within the footprint of a special event that is either sponsored by the City or permitted under the Codified Ordinances.

(15) **Outside entertainment**, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device, shall only be permitted in an outdoor dining facility pursuant to Chapter 515 of the Ordinances of the City. The Planning Commission may prohibit or provide for other restrictions and conditions related to such entertainment as it deems necessary to protect the surrounding neighborhood. All speakers must be facing inward toward the outdoor dining facility. All outdoor entertainment must cease at 10:00 p.m.

(16) Unless otherwise approved by the Architectural Board of Review, **signage of any kind is not permitted on tables, umbrellas, chairs, or barriers** that are part of the outdoor dining facility.

(17) The outdoor dining facility **shall comply with the requirements of the state smoking and tobacco use laws.**

(18) The Director may require adjustments, after approval of the Planning Commission, to the layout, dimensions, or distance from the property line of any outdoor dining facility in order to ensure pedestrian safety and maintain shared use of the public right-of-way.



**(t) Outdoor Dining Facility.**

(19) Notwithstanding anything in this chapter or section to the contrary, any outdoor dining facility conditional use permit application shall be heard by the Planning Commission and, if approved, shall expire twelve months from the date of issuance. **Subsequent renewal of the conditional use permit may be made administratively by the Director if no significant modifications to the conditions of the permit have been proposed and no violations of the Code have been determined.** Determination of renewal status is at the discretion of the Director. The conditional use permit for an outdoor dining facility is non-transferable.

(20) Notwithstanding anything in this chapter or section to the contrary, any conditional use permit granted for the outdoor dining facility **may be revoked by the Planning Commission after referral to the Planning Commission by the Director and a public hearing.** Notice of such hearing shall be sent to the applicant and to others pursuant to Section 1173.07(b)(2) of this Code as if a zoning change were requested. The Director shall have the authority to cancel a use of public property agreement upon thirty days' written notice. Once a notice of cancellation of the use of public property agreement has been issued, the owner of the restaurant has five business days to remove any portion of the outdoor dining facility that is in the public right-of-way and restore the public right-of-way to the condition in which it existed prior to the creation of the outdoor dining facility.

(Ord. 33-2022. Passed 11-21-22.)



## **Recommendation (03-09-24) – Conditional Use (Outdoor Dining)**

Approval with the following exceptions, recommending a renewal hearing:

- #31 – 18206 Detroit (Mercury)
- #56 – 14224 Madison (El Tango Taqueria)
- #61 – 15314/15400 Madison (Mars Bar)

\*Furniture and enclosures were left on the public right-of-way after November 30<sup>th</sup>.



**Docket 03-10-24**

**Communication (Medical/Adult Use Marijuana)**



## Request (03-10-24)

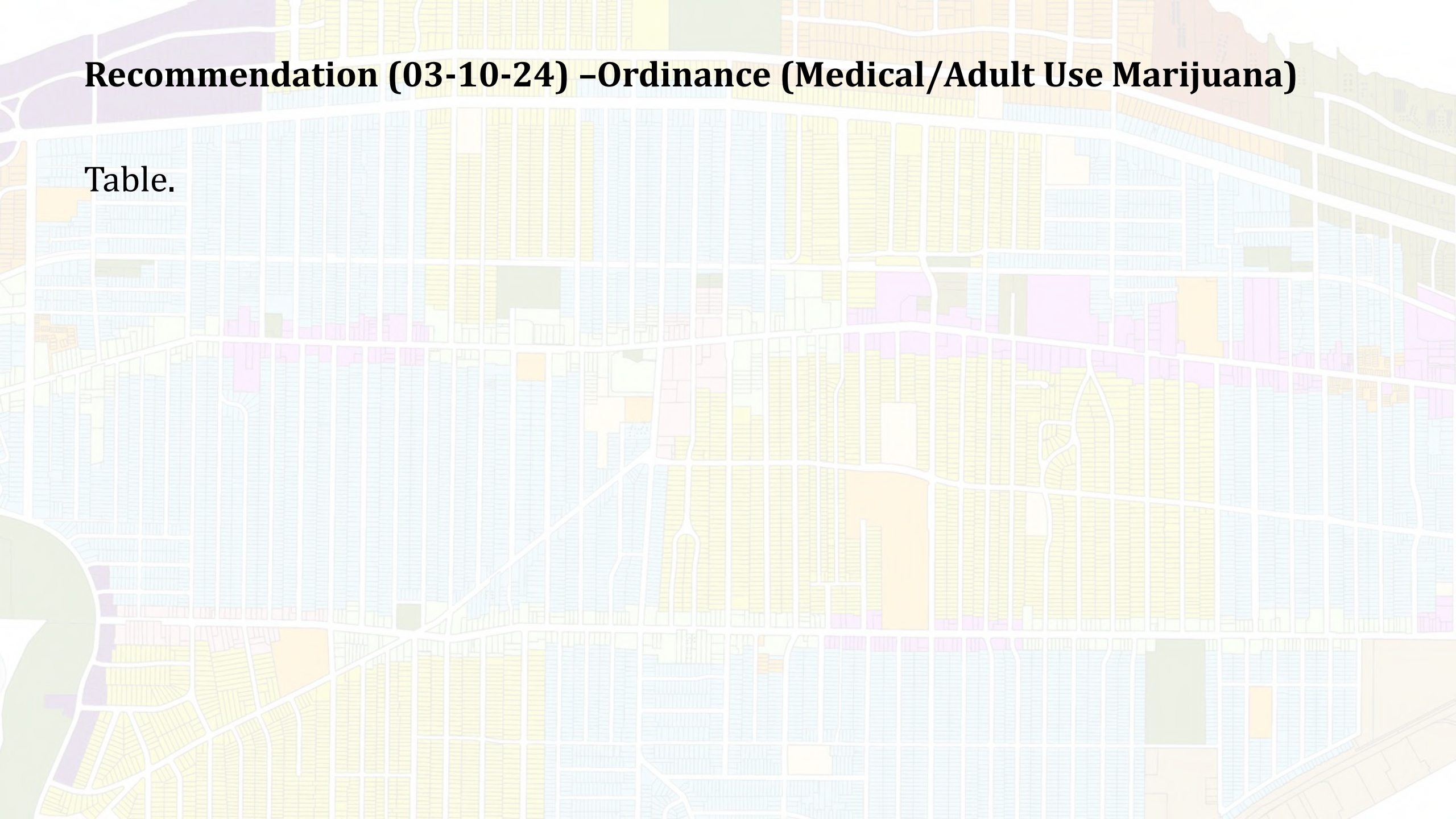
The review/amend of **Ordinance (Medical/Adult Use Marijuana)** pursuant to:

- Chapter 1165 - Medical Marijuana Dispensaries



# Recommendation (03-10-24) – Ordinance (Medical/Adult Use Marijuana)

Table.





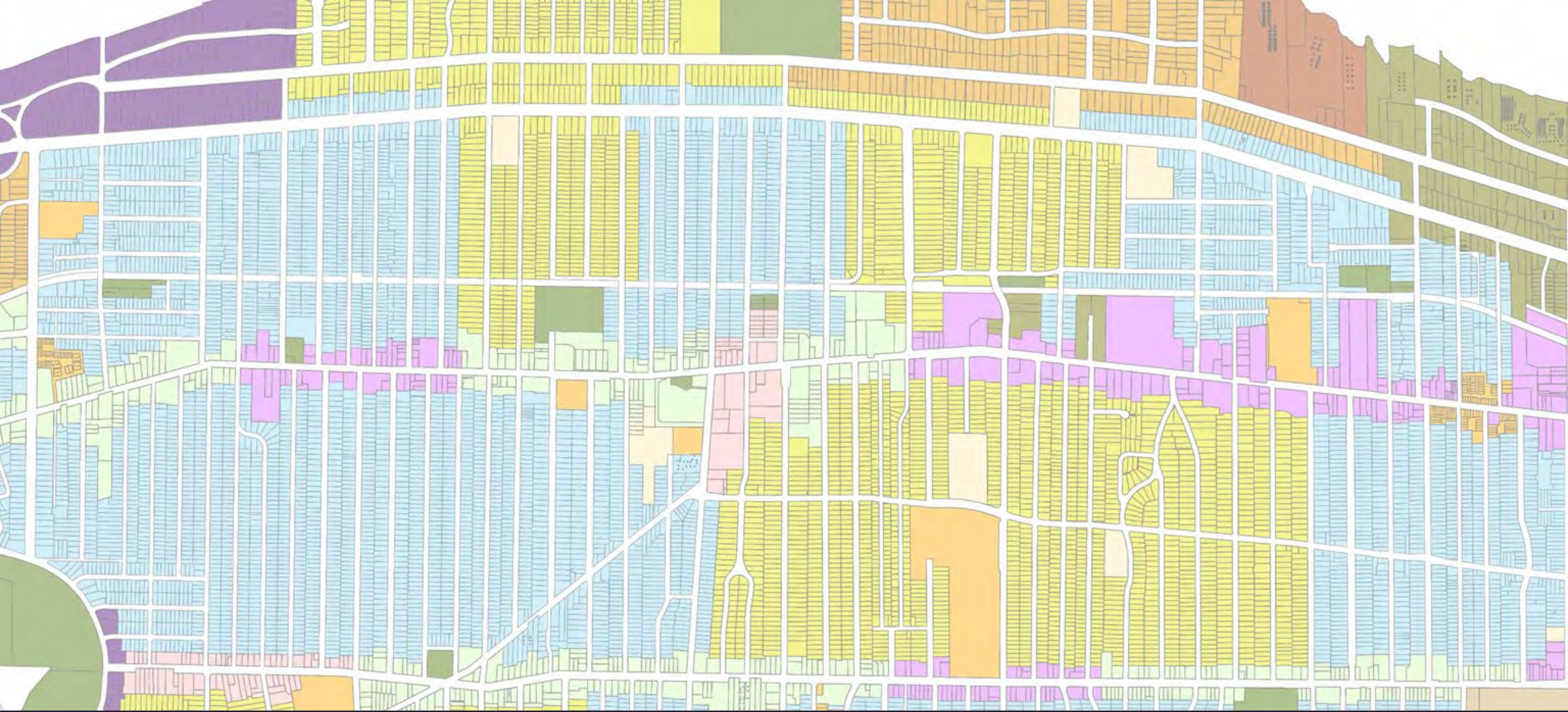
**Administrative Item:**

- Discuss Commission Availability for Housing, Planning, and Development (HPD) Committee meeting during April...  
(Mondays ~6pm – 1<sup>st</sup>, 15<sup>th</sup>, 22<sup>nd</sup>, or 29<sup>th</sup>)

**Planning Commission**

March 2024





# Planning Commission

March 2024

