

**MINUTES
PLANNING COMMISSION
CITY OF LAKEWOOD
12650 DETROIT AVENUE
AUDITORIUM
APRIL 6, 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
Sean McDermott, Vice Chair
Kyle Reisz
William Sanderson

Staff Present

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

A motion was made by Mr. Krewson, seconded by Mr. Reisz to **EXCUSE** the absence of Nicholas LaPointe. All the members voted yea; the motion passed.

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

A motion was made by Mr. Krewson, seconded by Mr. Sanderson to **DEFER** the February 2, 2023 meeting minutes. Mr. Krewson, Mr. Reisz, Mr. Sanderson voted yea, Mr. McDermott abstained; the motion passed.

3. APPROVE THE MINUTES OF THE MARCH 2, 2023 MEETING

A motion was made by Mr. Krewson, seconded by Mr. Sanderson to **DEFER** the March 2, 2023 meeting minutes. All the members voted yea; the motion passed.

4. OPENING REMARKS

Mr. Leininger read the Opening Remarks into record.

NEW BUSINESS

CONDITIONAL USE

**5. Docket No. 04-06-23
18260 Detroit Ave.
Cilantro Taqueria**

Review of the conditional use as a result of code violations that occurred over the past year, pursuant to section 1161.03(t)(20) – outdoor dining facility Property is in a C2 – Commercial, Retail district.

(Page 2)

Administrative staff provided an outline of the past year's events which culminated in the intervention of the city administration. Edward Zalar, one of the business owners, was present to provide background of the situation and its solution. The members asked about reimbursement for city clean-up activity/expenses; staff said it was in the ordinance. They also asked if there were any complaints logged with the city about litter, the general condition of the property; staff replied the CAD report showed no complaints. The members asked for clarification about the Temporary COVID-19 outdoor dining requirements when converting to permanent outdoor dining under the revised ordinance. Public comment was closed as no one addressed the item.

A motion was made by Mr. Krewson, seconded by Mr. Reisz to **APPROVE the review of the conditional use permit for outdoor dining with the following conditions:**

- **Adherence to the four conditions in the agreement dated April 4, 2023.**
- **Any violation of the agreement will result in a one year suspension of outdoor dining.**

All the members voted yea; the motion passed.

**6. Docket No. 04-08-23
18605 Detroit Ave.
War Horse Ink, LLC**

Clint Marsh, War Horse Ink, LLC, applicant requests the review and approval for a conditional use permit to operate a tattoo business. Pursuant to section 1129.02 - principal and conditional permitted uses and section 1161.03(z) - body art establishments. The property is in a C2 – Commercial, Retail district. (Page 10)

Clint Marsh, War Horse Inc, LLC was present to explain the request. The members asked about hours of operation, client access. Staff presented a brief summary of the proposal and recommended approval with conditions. Public comment was closed as no one addressed the item. The members asked about dedicated parking spots for the clients, accessibility needs, signage, ingress/egress to the establishment through the fenced area surrounding the outdoor dining area, canopy above the door.

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

- **The applicant provides documentation of compliance with all requirements of the Ohio Administrative Code, including any permits or licenses required by the State and/or County Boards of Health.**
- **The applicant provides proof of general liability insurance of \$1 million.**
- **The applicant and the building owner work with the City to provide access to the front door without going through the fenced area.**

All the members voted yea; the motion passed.

**7. Docket No. 04-07-23
12401 Madison Ave.
Griffin Cider House & Gin Bar**

Richard Read, Griffin Cider House & Gin Bar, applicant requests the review and approval for a conditional use permit to operate outdoor dining in the rear parking lot, pursuant to section 1129.13 – supplemental regulations for outdoor/ seasonal dining facility. Property is in a C2 – Commercial, Retail district. (Page 6)

Richard Read, Griffin Cider House & Gin Bar, applicant was present via the telephone. Staff provided a summary of the proposal and recommended approval with conditions. Public comment was closed as no one addressed the item. The members asked about the location of the refuse containers, asked about parking compliance, fence, ingress/egress, a rear gate, the garden/landscaping, barrier between parking and eating area, use would be seasonal. Some of the members were concerned about the lack of details and photographs in the submission and would like information about lighting and access to the back patio. Currently, the upstairs units were unoccupied.

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

1. Approval is based on the site plan that was presented today and discussed today as displayed on the screen (not the three provided in the agenda)
2. a. At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.
b. 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.
3. The Division of Housing and Building will review ingress/egress for ADA perspective which includes the closed gate across the drive.
4. If either or both of the second floor units are occupied, the applicant will be required to return to the Planning Commission for approval of a permanent barrier.
5. The applicant is to present a plan for waste disposal to the administration for review and approval.

All the members voted yea; the motion passed.

ADJOURN

A motion was made by Mr. Krewson, seconded by Mr. LaPointe to **ADJOURN** the meeting at 7:32 p.m. All the members voted yea; the motion passed.



Signature

5/14/23

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. Edward Zelar

EB

2. CLINT MARSH

CM

3. _____

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, April 6, 2023



Exact Pro Wash Inc.

304 Rodeo Circle | Louisville, Ohio 44641
 330-639-5249 | exactprowashinc@gmail.com | www.exactprowash.com

RECIPIENT:

Cilantro - Lakewood

18260 Detroit Avenue
 Lakewood, Ohio 44107
 Phone: 2167040849

SERVICE ADDRESS:

18260 Detroit Avenue
 Lakewood, Ohio 44107

Invoice #22546

Issued	Feb 23, 2023
Due	Feb 23, 2023
Paid	Feb 23, 2023

Total	\$593.43
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Account Balance \$0.00

For Services Rendered

PRODUCT / SERVICE	DESCRIPTION	QTY	UNIT PRICE	TOTAL
Feb 23, 2023				
Hood Cleaning	Main hood, fan, duct, filters, back wall to equipment line	1	\$500.00	\$500.00*
Filter rotation cleaning (Per filter pricing)	Off site cleaning of kitchen exhaust filters. Adheres to all local code and EPA clean water act. 20x20 filters	10	\$7.00	\$70.00*
Grease pillows (7 inch rack GC)	Replacement of old absorbent pillow	1	\$22.00	\$22.00

* Non-taxable

Thank you for your business. Please contact us with any questions regarding this invoice.

Exact Pro Wash Inc. 320210223

Subtotal	\$592.00
Sales tax (6.5%)	\$1.43
Total	\$593.43
Paid	- \$593.43
Invoice balance	\$0.00
Account balance	\$0.00

2019 BODY ART ESTABLISHMENT PERMIT TO OPERATE

Permit #1904

Date: March 6, 2019

Portage County Health District
705 Oakwood Street, 2nd floor
Ravenna, Ohio 44266
(330) 296-9919

Business Name: War Horse Ink

Owner: Clint Marsh

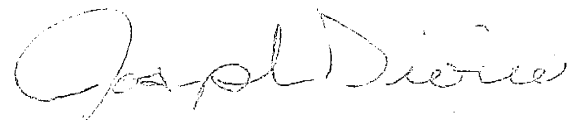
Street Address: 269 West Main Street

City, State, Zip: Ravenna, Ohio 44266

This certifies that War Horse Ink is hereby authorized to provide Tattoo and Body Piercing Services in Portage County pursuant to state law as described under section 3730 of the Ohio Revised Code and 3701-9 of the Ohio Administrative Code

This permit may be revoked for the violation of any said law and regulations pertaining to the subject for which this permit is issued.

Expires: December 31, 2019



Joseph J. Diorio, MPH, MS, RS
Health Commissioner

2020 BODY ART ESTABLISHMENT PERMIT TO OPERATE

Permit # 1904

Date: 01/22/2020

Portage County Health District
705 Oakwood Street, 2nd floor
Ravenna, Ohio 44266
(330) 296-9919

Business Name: War Horse Ink

Owner: Clint Marsh

Street Address: 269 West Main Street

City, State, Zip: Ravenna, OH 44266

This certifies that War Horse Ink is hereby authorized to provide (Tattoo, Body Piercing, or both) Services in Portage County pursuant to state law as described under section 3730 of the Ohio Revised Code and 3701-9 of the Ohio Administrative Code

This permit may be revoked for the violation of any said law and regulations pertaining to the subject for which this permit is issued.

Expires: December 31, 2020

2022 BODY ART ESTABLISHMENT PERMIT TO OPERATE

Permit # 1904

Date: 01/01/2022

Portage County Health District
705 Oakwood Street, 2nd floor
Ravenna, Ohio 44266
(330) 296-9919

Business Name: War Horse Ink

Owner: Clint Marsh

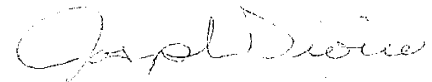
Street Address: 269 W. Main St.

City, State, Zip: Ravenna, OH 44241

This certifies that War Horse Ink is hereby authorized to provide, Tattooing and Body Piercing Services in Portage County pursuant to state law as described under section 3730 of the Ohio Revised Code and 3701-9 of the Ohio Administrative Code

This permit may be revoked for the violation of any said law and regulations pertaining to the subject for which this permit is issued.

Expires: December 31, 2022



Joseph J. Diorio, MPH, MS, RS
Health Commissioner

2023 BODY ART ESTABLISHMENT PERMIT TO OPERATE

Permit # 1904

Date: 01/09/2023

Portage County Health District
999 East Main Street
Ravenna, Ohio 44266
(330) 296-9919

Business Name: War Horse Ink

Owner: Clint Marsh

Street Address: 269 W. Main St

City, State, Zip: Ravenna, Ohio, 44266

This certifies that the facility listed above is hereby authorized to provide Tattooing and Body Piercing Services in Portage County pursuant to state law as described under section 3730 of the Ohio Revised Code and 3701-9 of the Ohio Administrative Code

This permit may be revoked for the violation of any said law and regulations pertaining to the subject for which this permit is issued.

Planning Commission

April 6, 2023



April is Earth Month

Scan the QR Code to View
Lakewood's Draft Climate Action Plan



Agenda

1. Roll Call
2. Adoption of Minutes – February 2, 2023 & March 2, 2023
3. Opening Remarks
4. Conditional Use Permit: 18260 Detroit – Cilantro Taqueria (Referral)
5. Conditional Use Permit: 12401 Madison – Griffin Cider House Outdoor Dining
6. Conditional Use Permit: 18605 Detroit – War Horse Ink Body Art
7. Adjourn





Docket No. 04-06-23
18260 Detroit Avenue

**CONDITIONAL USE – REFERRAL REVIEW
CILANTRO TAQUERIA OUTDOOR DINING**

18260 Detroit Avenue



REFERRAL

1. The City of Lakewood issued a third Notice of Violation to Cilantro Taqueria (18260 Detroit) for illicit charge into the public sewer system.
2. In accordance with Section 1161.03(t)(20), the Planning & Development Director can refer any Conditional Use Permit for Outdoor Dining to the Planning Commission for a public hearing.
3. 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).

REFERRAL BY DIRECTOR

1. The City of Lakewood issued a third Notice of Violation to Cilantro Taqueria (18260 Detroit) for illicit charge into the public sewer system.
2. In accordance with Section 1161.03(t)(20), the Planning & Development Director can refer any Conditional Use Permit for Outdoor Dining to the Planning Commission for a public hearing.

SECTION 1161.03(t)(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.

Illicit Discharge



Recommendation

The Chief Assistant Law Director reached an agreement with the business owner regarding the illicit discharge violations. Considering this agreement, it is recommended the business owner be placed on a one-year probation period during which any illicit discharge violation shall immediately result in a one calendar year (from the date of the violation notice) suspension of the Conditional Use Permit for Outdoor Dining after which the Conditional Use Permit must be submitted to the Planning Commission for consideration of renewal.



Docket No. 04-07-23

12401 Madison Avenue

CONDITIONAL USE

GRIFFIN CIDER HOUSE OUTDOOR DINING

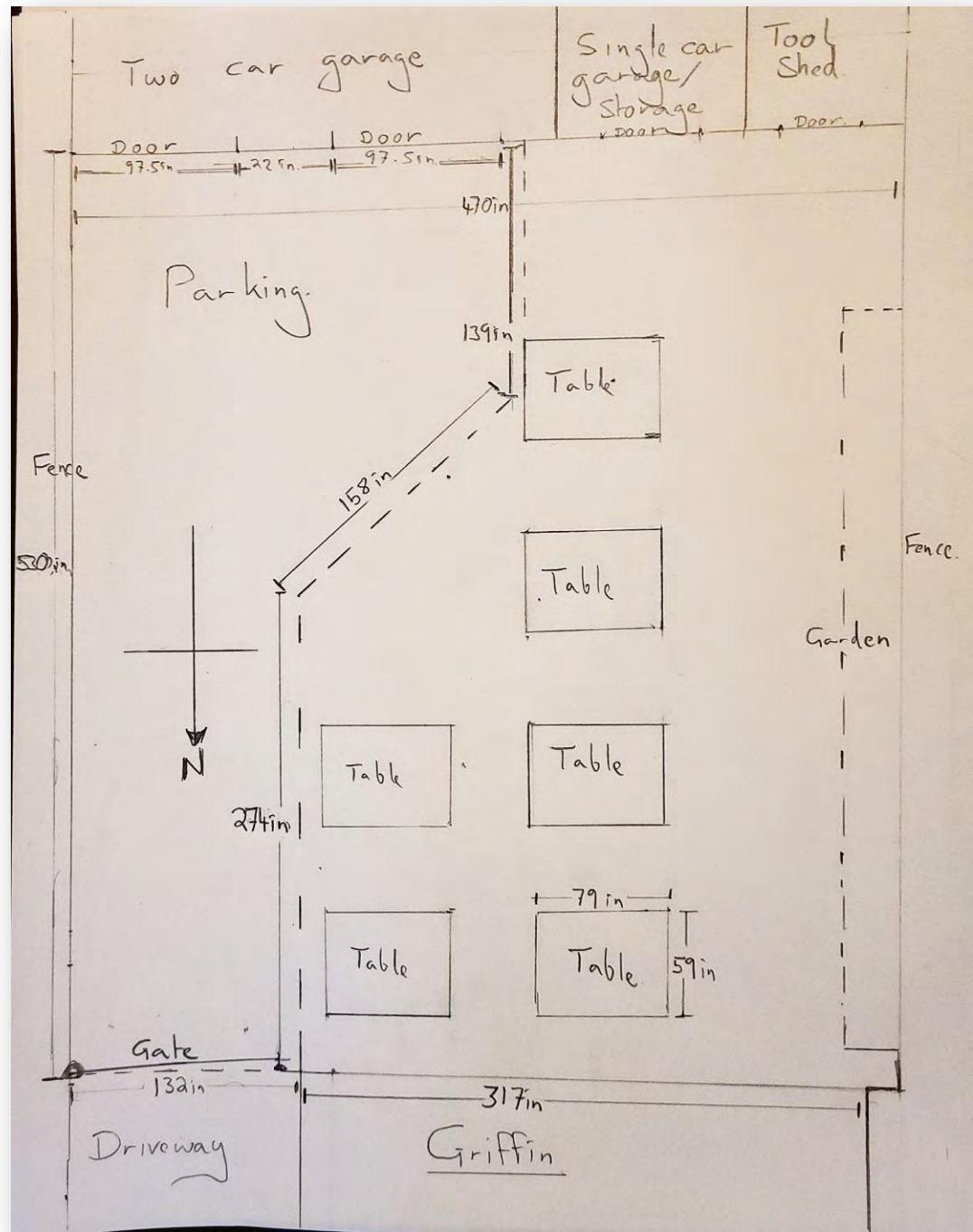
Request

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.

**Temporary COVID-19 Outdoor Dining Conditional Use Permit approved August 2020*

12401 Madison Avenue





Site & Amenity Plan

12401 Madison Avenue





2018

2014

Lark St



12417

12407

12413

NetworkinGuys, Inc

Coffee Pot
Family-friendly · \$

12301

LBM

SOUTH ST



LAKESWOOD
CITY
www.lakewood.com

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://codelibrary.amlegal.com/codes/lakewood/latest/lakewood_oh/0-0-0-74832

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 the following conditions:

1. At no time shall the occupancy of the combined indoor and outdoor space exceed the capacity established by the Building Commissioner and Fire Marshall.
2. 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. 04-08-23
18605 Detroit Avenue

CONDITIONAL USE
WAR HORSE INK BODY ART

Request

The review and approval for a body art establishment, pursuant to Section 1129.02 – Principal & Conditional Uses and Section 1161.03(z) – Body Art Establishments. Property is in a C2, Commercial – Retail District.

18605 Detroit Avenue

** 2nd Floor Occupancy*



HARRY BUFFALO

JOIN THE HERD 18605



FOR RENT
214-25-9442

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(z) SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES.

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:

In a C1 Office, C2 Retail or C3 General Business District a body art establishment, as defined by the Ohio Administrative Code, may be a conditionally permitted use provided that:

1. The body art establishment meets all requirements regulating such establishments and services as prescribed by the Ohio Administrative Code;
2. In addition to the requirements of the Ohio Administrative Code, the body art establishment shall only use single-use marking instruments, microblading pens, containers for ink, pigment or dyes, and any other equipment that is available for single use and shall not autoclave, sterilize or reuse any equipment which is available as a single-use item;
3. The owner or manager of the establishment shall be a body artist as qualified under the Ohio Administrative Code with not less than three years' documentable experience within the last 10 years not including any apprenticeship period. Acceptable documentation of experience shall be submitted with the application for conditional use permit and shall include but not be limited to employment records, references, and proof of ownership of another body art establishment;
4. No body art establishment shall be located within 500 feet of a school, playground or park or within 2,500 feet of another body art establishment;
5. The owner of the establishment shall submit proof of general liability insurance in the amount of \$1 million along with its application for conditional use permit;
6. Time-limited or special-event body art establishments shall not be permitted;
7. No electronic signage shall be permitted at a body art establishment and only the business name may be permitted on any signage;
8. Body art establishments shall only be permitted to operate between the hours of 8:00 a.m. and 9:00 p.m.;
9. Body art establishments shall dispose of all infectious waste through a qualified contractor, no infectious waste shall be disposed of with regular waste generated by the establishment.

Recommendation

City Staff have determined the requirements for approval of a body art establishment, pursuant to Section 1129.02 – Principal & Conditional Uses and Section 1161.03(z) – Body Art Establishments, have been met and recommend approval with the following conditions that must be satisfied prior to receiving a Certificate of Compliance or Occupancy or similar certificate authorizing the use and occupation of the building space:

1. The applicant provide documentation of compliance with all requirements of the Ohio Administrative Code, including any permits or licenses required by the State and/or County Boards of Health.
2. The applicant provide proof of general liability insurance of \$1M.

Planning Commission

April 6, 2023



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