

**MINUTES  
PLANNING COMMISSION  
CITY OF LAKEWOOD  
12650 DETROIT AVENUE  
AUDITORIUM  
MAY 4, 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  
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

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

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

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

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

**4. APPROVE THE MINUTES OF THE APRIL 6, 2023 MEETING**

A motion was made by Mr. Krewson, seconded by Mr. Sanderson to **APPROVE** the April 6, 2023 meeting minutes. Mr. Krewson, Mr. McDermott, Mr. Reisz, Mr. Sanderson voted yea, and Mr. LaPointe abstained; the motion passed.

**5. OPENING REMARKS**

The reading of the Opening Remarks was waived as there were no members of the public in attendance.

**NEW BUSINESS**

**CONDITIONAL USE**

- 6. Docket No. 05-09-23  
13333 Madison Ave.  
Hammer and Nails**

Chris Guglielmi, Waterbury Development Company, applicant requests the review and approval for a conditional use permit to operate outdoor dining in the side parking lot, pursuant to section 1129.13 – supplemental regulations for outdoor/ seasonal dining facility. Property is in a C2 – Commercial, Retail district. (Page 3)

Chris Guglielmi, Waterbury Development Company, applicant was present to explain the request. Staff provided an analysis of the project and recommended approval with conditions. Public comment was closed. Discussion ensued about operating hours, length of time the tables and chairs would be in place, vehicular traffic next to the seating area, installation of bollards and/or concrete planter, type of planter and addition of reflective tape.

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

- **The applicant works with the administrative staff to identify more substantial planters, specifically concrete planters that would meet the intended goal of acting as a noticeable barrier for someone in a vehicle backing into it. Also take into consideration the raw aesthetics and visibility.**
- **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 voted yea; the motion passed.

**7. Docket No. 05-10-23  
14810 Madison Ave.  
The Red Rose Cafe**

Rose Kirschnick, Red Rose Cafe, 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 9)

Rose Kirschnick, Red Rose Cafe, applicant was present to explain the request. Staff provided a brief summary of the project and recommended approval with conditions. Public comment was taken. Discussion began about the location of the tables and chairs (four bistro tables with three chairs each), servers, movement of chair/tables/patrons without the benefit of a barrier.

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

- **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 be maintained.**
- **There will be no more than four (4) tables with three (3) chairs each for the bistro-sized tables as approved previously.**
- **The applicant works with administrative staff, and staff be onsite for placement of the tables and chairs.**

All the members voted yea; the motion passed.

## ORDINANCE AMENDMENT

### 8. Docket No. 05-11-23

#### **Amendments to Chapters 1121, 1123, and 1133 of the Zoning Ordinance to Support Additional Dwelling Units and Principal Building Lot Coverage**

Administrative staff will present the proposed amendments. On March 20, 2023, City Council referred Ordinance No. 07-2023 and the associated communication to the Housing, Planning, and Development Committee and the Planning Commission for deliberation and recommendation. (Page 16)

Mr. Leininger presented the proposed amendments to provide for affordable housing and aging in place. Council Member Jason Shachner, Ward 2 supported the amendments and requested additional consideration be given to allow detached dwelling units as well as garage conversions. Public comment was closed as there was no one else in attendance. Discussion commenced Section 1133.06: to allow the conversion of single-family homes into two-family structures, the decline of homeowner-occupied properties in Lakewood, influx of rental units, should allow a detached ADU, definition of a dwelling unit, the impact on neighborhoods and parking, the demolition of a single-family home and building of a two-family home as currently allowed. The discussion continued about primary lot coverage: first-floor masters, additional variances, exceed permitted lot coverage, concerns about effect on the stormwater program and the increase of impervious areas, absentee landlords, research the effect on other cities. The members asked about city council's role. Staff said it would be a long process; one that would involve many meetings including public ones. The members needed time to analyze the item and allow time for staff to provide more information.


A motion was made by Mr. McDermott, seconded by Mr. Krewson to **DEFER the request with the following condition:**

- **The city returns with the six deliverables described generally as:**
  - **The impact of repealing 1133.06 on home ownership, consequences in other cities enacting similar legislation, and data on out of state investors.**
  - **The impact of amendments changing the lot coverage by providing a full description of typical lot coverage and associated regulations, data on BZA cases for lot coverage variances, and options to comprehensively address lot coverage on properties.**

All the members voted yea; the motion passed.

## **ADJOURN**

A motion was made by Mr. Krewson, seconded by Mr. Reisz to **ADJOURN** the meeting at 8:25 p.m. All the members voted 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. Chris Byrd

2. Rose Kirschner

3. \_\_\_\_\_

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

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

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

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

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

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

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

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

[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, May 4, 2023

# Planning Commission

STAR WARS DAY  
**MAY THE  
4TH**  
2023  
BE WITH YOU



# Agenda

1. Roll Call
2. Adoption of Minutes – February 2, 2023, March 2, 2023, and April 6, 2023
3. Opening Remarks
4. Conditional Use Permit: 13333 Madison – Hammer & Nails
5. Conditional Use Permit: 14810 Madison – Red Rose Cafe
6. Zoning Code Amendment: Ordinance 07-2023 – Additional Dwellings & Lot Coverage
7. Adjourn





Docket No. 05-09-23

13333 Madison Avenue

**CONDITIONAL USE**

**HAMMER & NAILS OUTDOOR DINING**

An aerial photograph of a residential neighborhood with yellow property lines overlaid. The houses are mostly single-story with brown roofs. There are some trees and a paved area in the lower right.

# 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.

13333 Madison Avenue

Madison Avenue

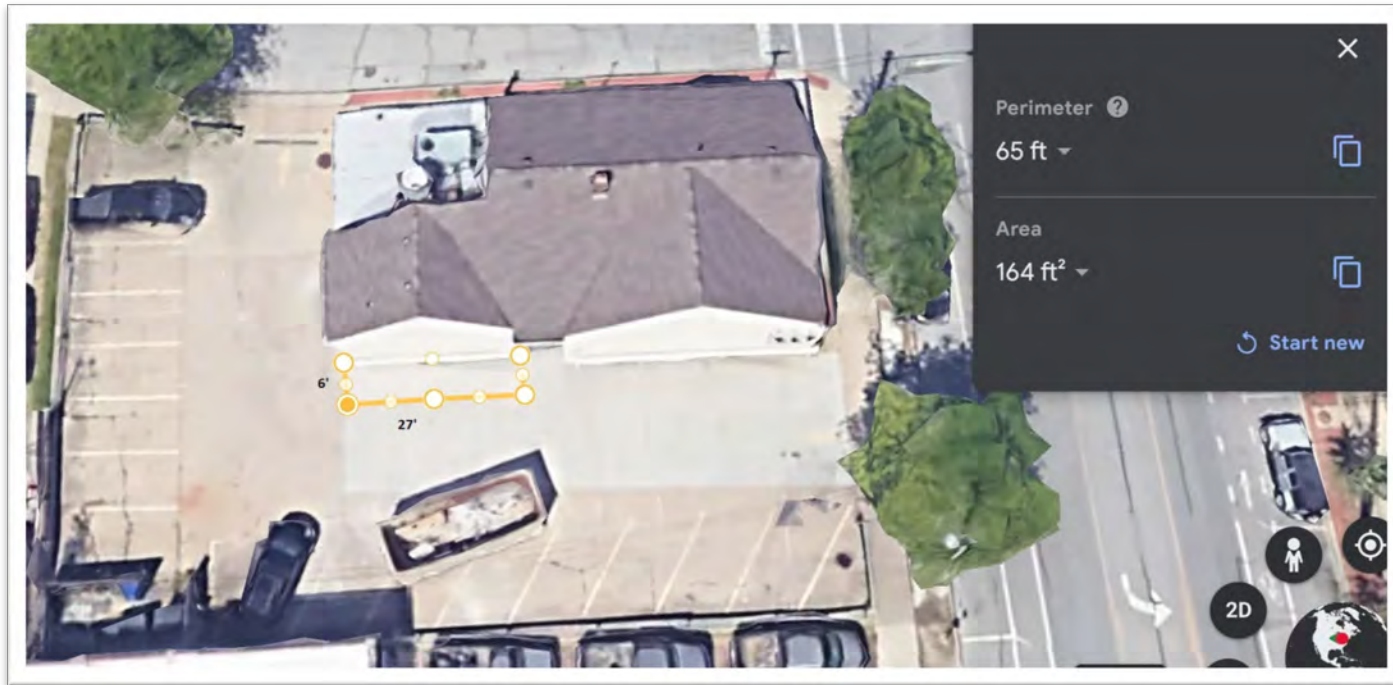
Waterbury Avenue

Clarence Avenue



# 13333 Madison Avenue





# Site & 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://codelibrary.amlegal.com/codes/lakewood/latest/lakewood\\_oh/0-0-0-74832](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. 05-10-23  
14810 Madison Avenue

**CONDITIONAL USE**  
**RED ROSE CAFÉ 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.

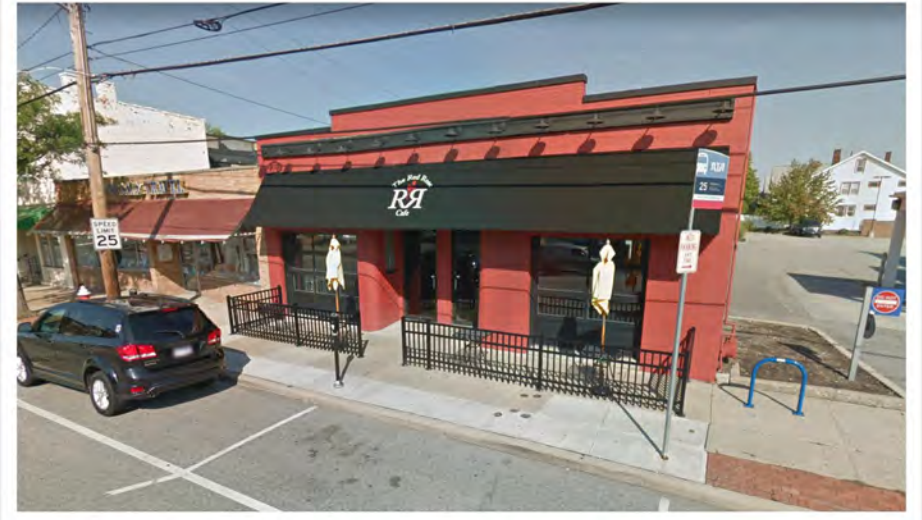
14810 Madison Avenue

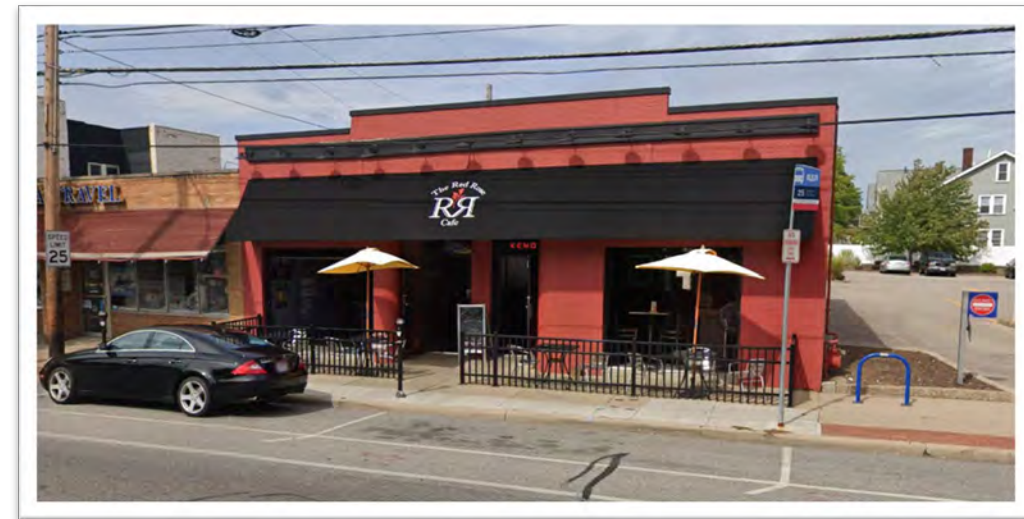
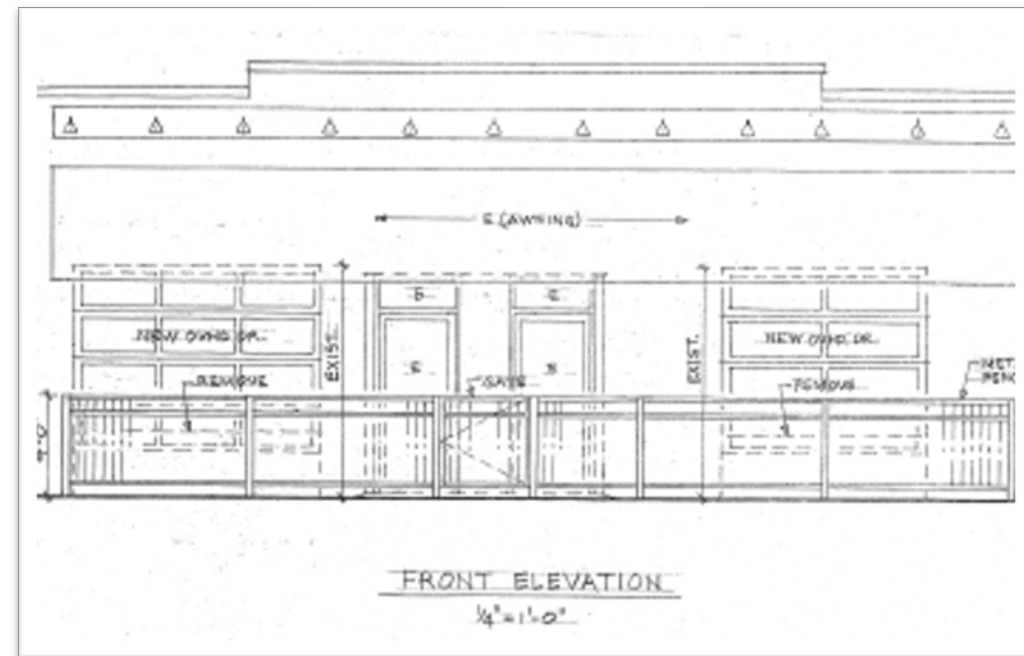
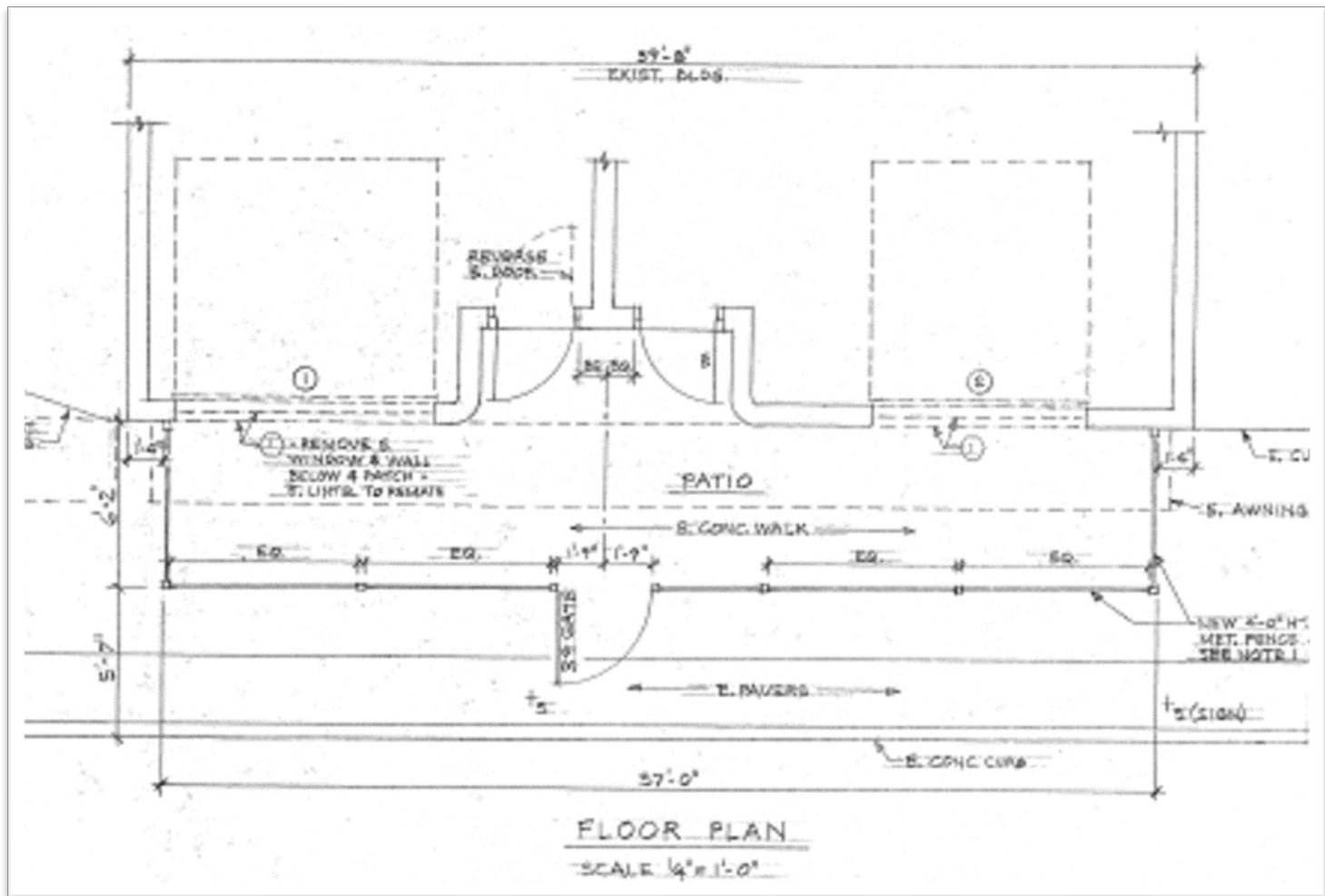


Warren Road

Madison Avenue

# 14810 Madison Avenue





# Site & 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:

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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 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. 05-11-23

Ordinance 07-2023

**ZONING CODE AMENDMENT  
ADDITIONAL DWELLINGS & LOT COVERAGE**

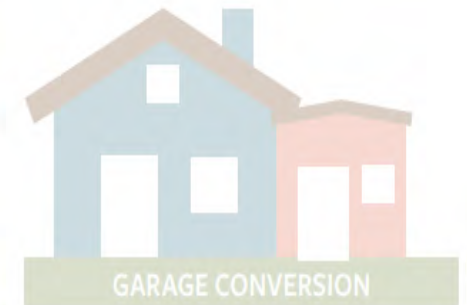
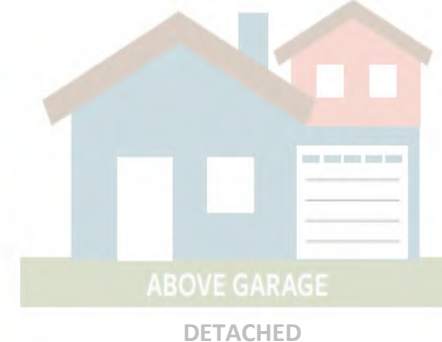
# Request

The review and recommendation of approval to City Council of Ordinance 07-2023 for various amendments to Chapters 1121, 1123, and 1133 of the Zoning Ordinance to allow additional dwelling units and increase the principal building lot coverage in certain zoning districts.

# Priorities of Proposed Legislation

Following meetings held with City Council Housing Planning & Development Committee and Planning Commission in 2021, the current focus of the legislation is on the following priorities:

1. Aging in Place
2. Shared Living
3. Affordability
4. Maintain Neighborhood Character

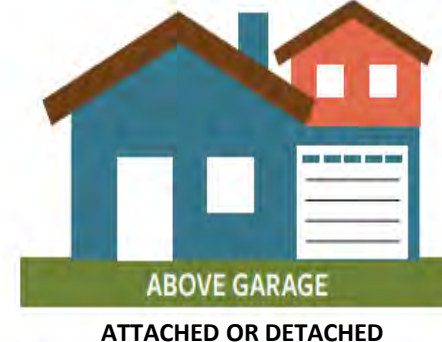
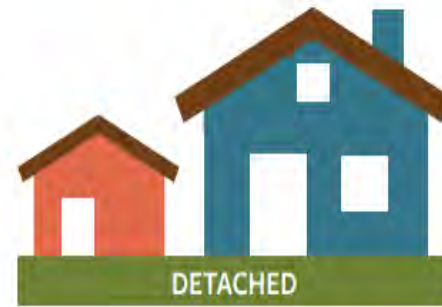


▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

# What is an ADU?

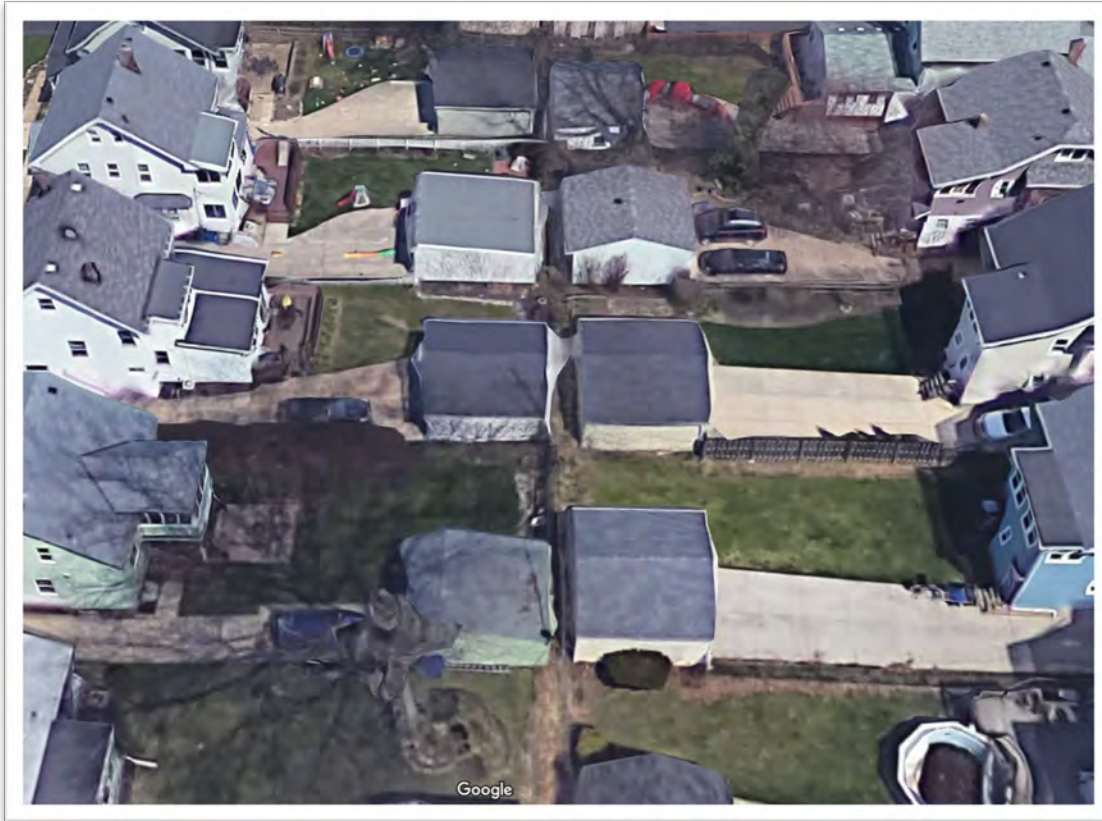
ADU is an independent dwelling unit, with facilities for sleeping, a kitchen and full bath, that is on the same property as a larger, primary dwelling unit.

ADU = Accessory Dwelling Unit



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

# ADUs Are In Lakewood With Restrictions



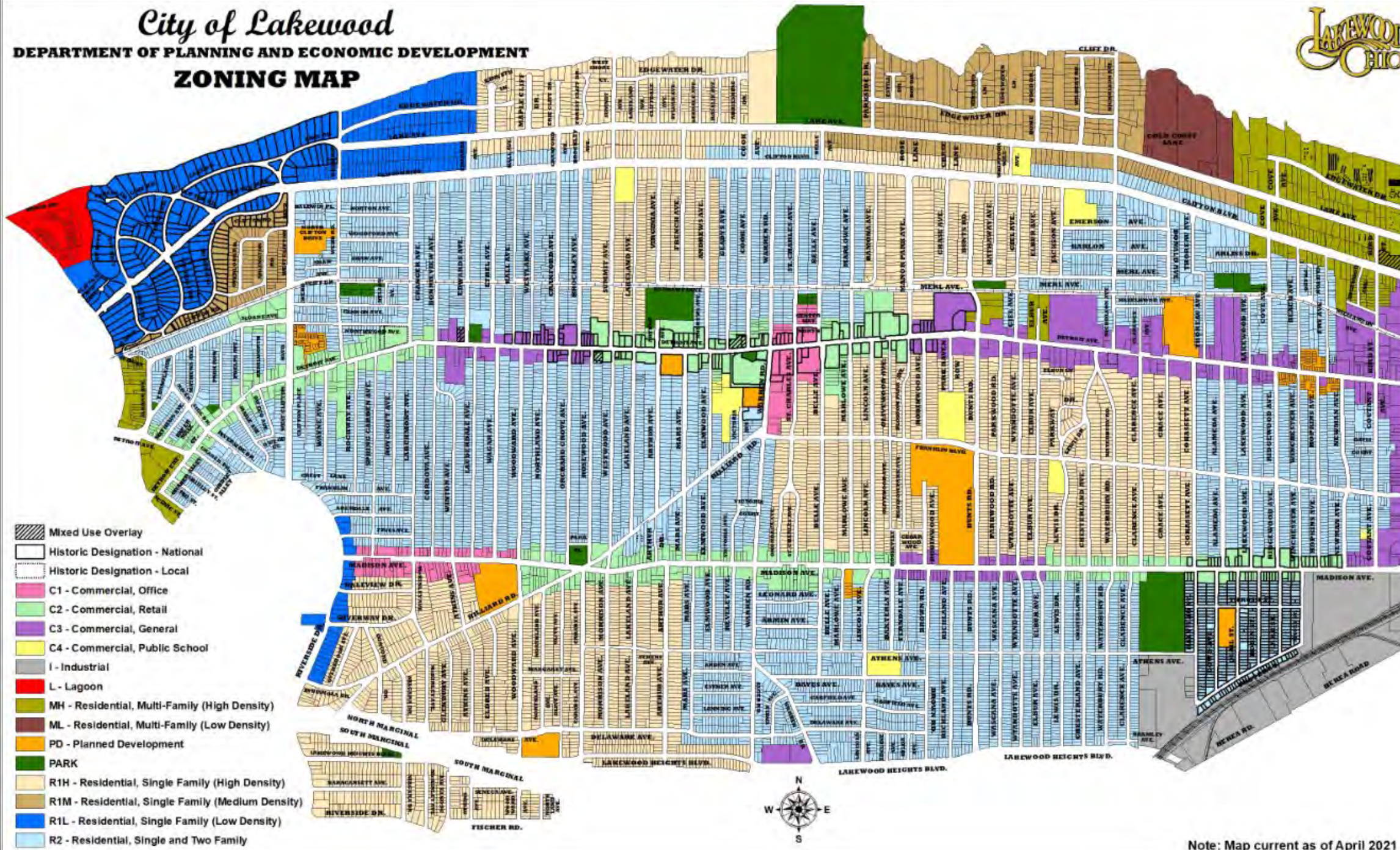
## What is permitted?

- In the R1H, R1M, R1L districts, an “in-law suite” is permitted with the requirement that persons in the home live as a family/household, and the in-law suite shares the same exits as the main home.
- In the R2 district, both single and two-family dwellings (attached) are permitted.
- However, if a property is a single-family home (regardless of zoning district), a second dwelling unit may not be added based on a provision added in 1996 which prohibits the conversion of a single-family dwelling to more than one unit (Section 1133.06).

# City of Lakewood

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

## ZONING MAP



Note: Map current as of April 2021

# Residential Parcels by Zoning District

Zoning District Name	Count	Percentage
*R2	8,339	46.44%
R1H	4,428	24.66%
R1M	451	2.51%
R1L	352	1.96%
ML	1,111	6.19%
MH	1,952	10.87%
PD	143	0.80%
Lagoons	52	0.29%
Commercial C1, C2, C3, C4, C5	1,036	5.77%
Parks	30	0.17%
Industrial	31	0.17%
Railroad	31	0.17%
<b>All Residential Zones (R2, R1H, R1M, R1L, MF, MH, PD, Lagoons)</b>	<b>16,828</b>	<b>93.72%</b>
<b>All Commercial Zones (C1-C5)</b>	<b>1,036</b>	<b>5.77%</b>
<b>All Zoning Districts</b>	<b>17,956</b>	<b>100.00%</b>

*\* In the R2 Zoning District, 2,545 (30.5%) of the parcels have a two-dwelling unit structure.*

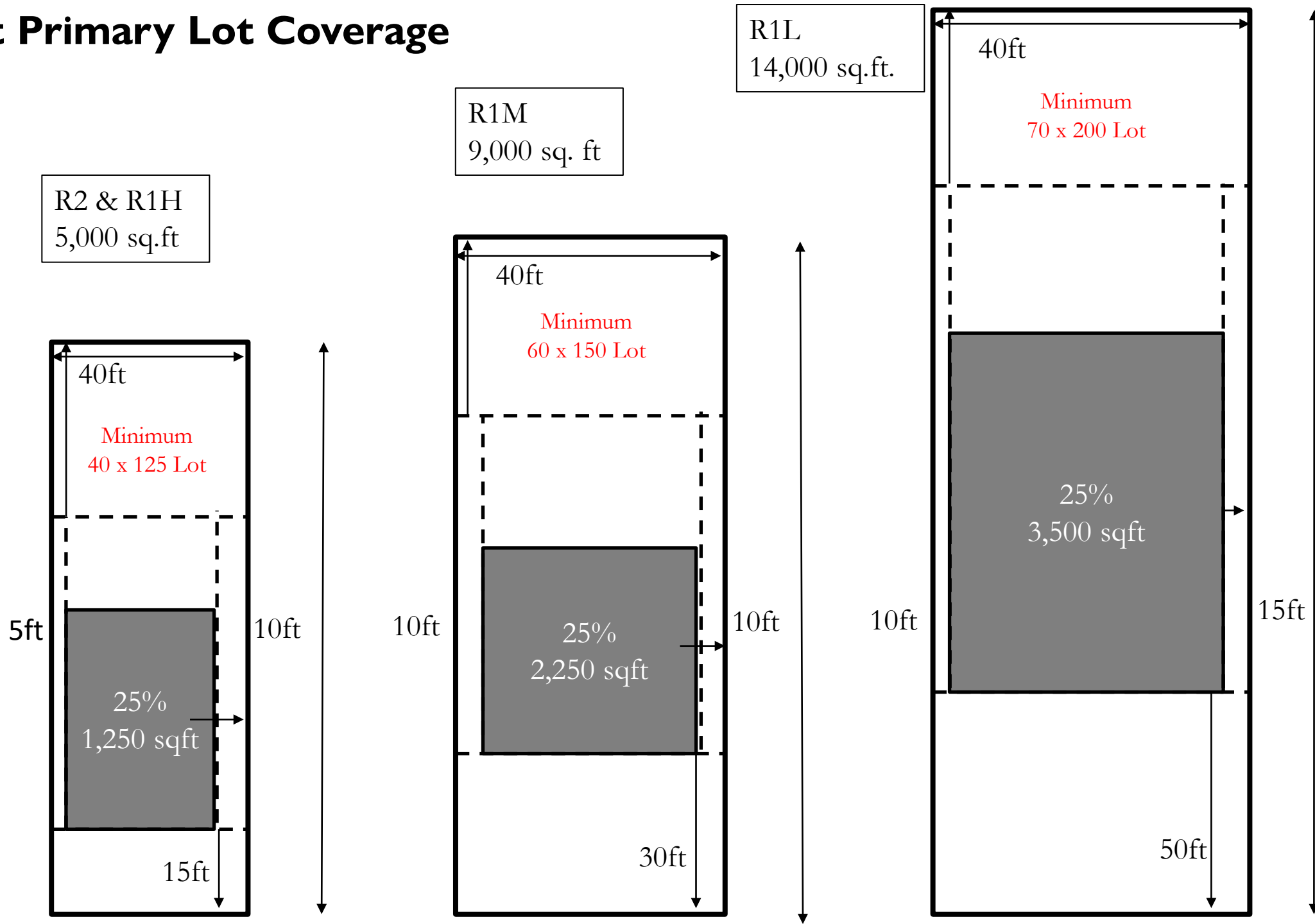
# Repeal Section 1133.06

Section 3. That Section 1133.06 Conversion of Single-Family Structure Prohibited of the Codified Ordinances of the City of Lakewood, currently reading as follows:

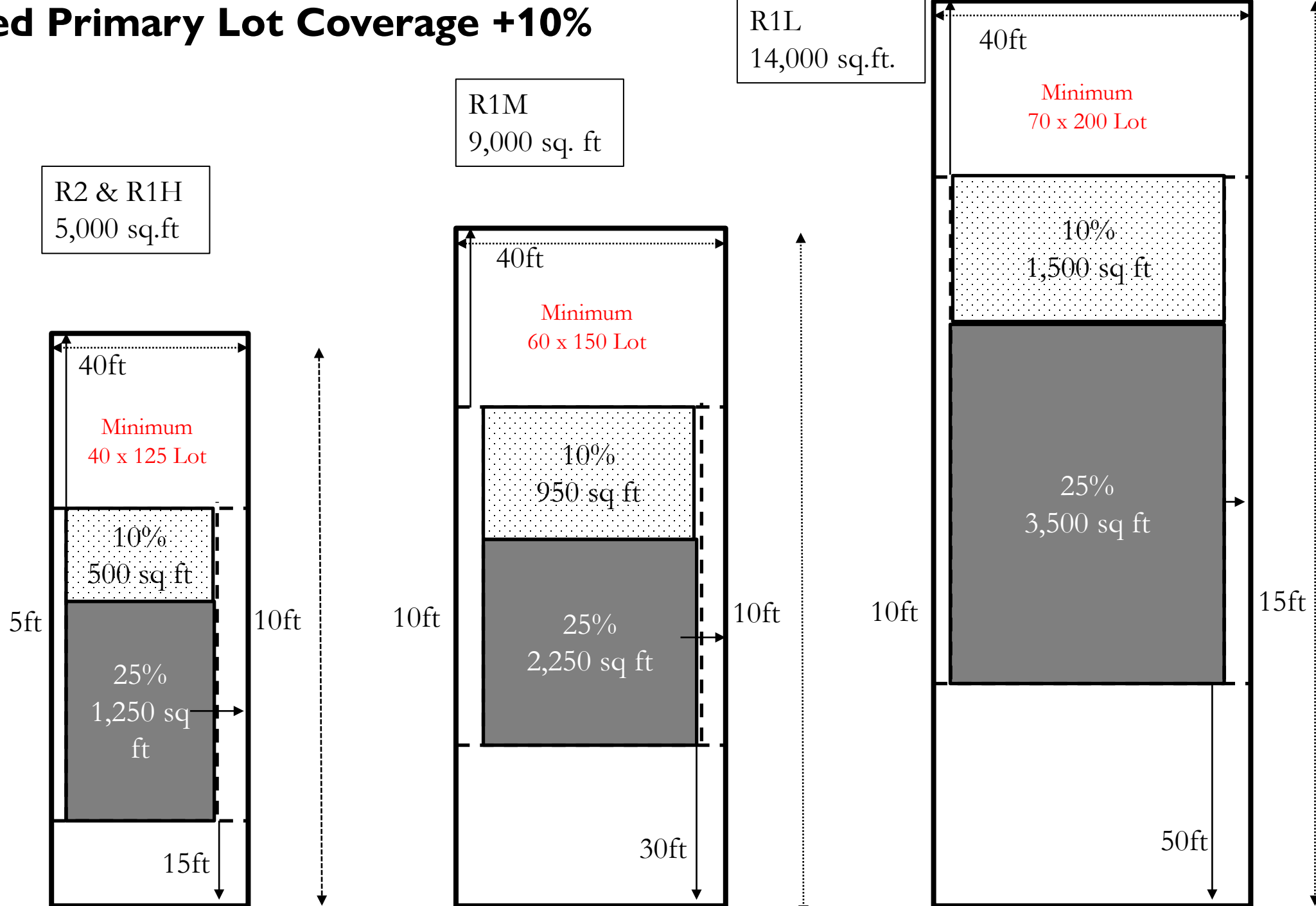
**1133.06. Conversion of Single-Family Structure Prohibited.** No single-family structure shall be converted to or enlarged or altered to accommodate more than one (1) family.

is hereby repealed.

# Current Primary Lot Coverage



# Proposed Primary Lot Coverage +10%



# Lot Coverage Comparison

	Shaker Hts.	Cleveland Hts.	Rocky River	Bay Village	University Hts.	Lakewood
Max. Primary Lot Coverage	50% all structures 1223.10	1121.12	28%  1153.07	45%  1158.4	25% not to exceed 1,750 1252.06	25%
Accessory Structures	700 sq ft max. size	60% of rear yard	Max. size 600 sq ft	Max. size 700 sq ft	35% of rear yard, and counted in primary coverage	480 sq ft or 25% of rear yard
Rear yard setback	25 ft	30 ft	25 ft	35 ft	25 ft	40ft

# Amend Sections 1121.09(a) and 1123.09(a)

Section 1. That Sections 1121.09(a) Single-Family Maximum Lot Area Coverage, 1123.09(a) Single- and Two-Family Maximum Lot Coverage of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1121.09(a). Maximum Lot Area Coverage.** The principal structure including decks, patios, etc., shall not cover more than twenty-five percent (25%) of the lot area.

**1123.09(a). Maximum Lot Area Coverage.** The principal building, including attached decks, shall not cover more than twenty-five percent (25%) of the lot area.

are hereby repealed.

Section 2. That new Sections 1121.09(a) Single-Family Maximum Lot Area Coverage, 1123.09(a) Single- and Two-Family Maximum Lot Coverage are hereby enacted to read as follows:

**1121.09(a). Maximum Lot Area Coverage.** The principal structure including decks, patios, etc., shall not cover more than thirty-five percent (35%) of the lot area.

**1123.09(a). Maximum Lot Area Coverage.** The principal building, including attached decks, shall not cover more than thirty-five percent (35%) of the lot area.

# Request

The review and recommendation of approval to City Council of Ordinance 07-2023 for various amendments to Chapters 1121, 1123, and 1133 of the Zoning Ordinance to allow additional dwelling units and increase the principal building lot coverage in certain zoning districts.

# Planning Commission

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