

**MINUTES
PLANNING COMMISSION
MAY 6, 2021, 2021
CITY OF LAKEWOOD
7:00 P.M.
REMOTE MEETING - RECORDED**

Under the orders of the Governor and Director of Health of Ohio, the Planning Commission will meet remotely until further notice.

The remote meeting information will be posted by 5 PM the day of the meeting at www.onelakewood.com/accordions/planning-commission/

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

1. Roll Call

Members Present

Monica Jordan, Vice Chair
Nathan Kelly
Kyle Krewson, Chair
Sean McDermott

Others Present

Katelyn Milius, Senior Planner, Secretary
Jennifer Swallow, Executive Assistant Law Director
Shawn Leininger, Director of Planning and Development
Christopher Parmelee, Building Commissioner

A motion was made by Mr. Kelly, seconded by Ms. Jordan to **EXCUSE** the absence of Jeffrey Wise. All the members voting yea, the motion passed.

1. Approve the Minutes of the April 1, 2021 ~~April 14, 2021~~

A motion was made by Mr. Krewson, seconded by Ms. Jordan to **APPROVE** the minutes. Ms. Jordan, Mr. Krewson, Mr. McDermott voting yea, and Mr. Kelly voting to abstain, the motion passed.

(Due to a clerical error, the members stated during the recording that the meeting was April 14, 2021. In actuality, the meeting was April 1, 2021.)

2. Approve the Minutes of the April 22, 2021 Special Meeting.

A motion was made by Mr. Kelly, seconded by Ms. Jordan to **APPROVE** the special meeting minutes. All the members voting yea, the motion passed.

3. Opening Remarks

Administrative staff ("staff") read the Opening Remarks into record. The Commission Members ("members") were volunteers and advised the public to send notice through the chat function if one wanted to address a particular docket item.

**OLD BUSINESS
CONDITIONAL USE**

**4. Docket No. 03-08-21*
11801 Detroit Avenue
Caliber Collision**

Melissa Hernandez, Cross Architects, PLLC requests approval of a conditional use permit for the remodel of an existing building to an automobile paint and repair shop. Pursuant to Chapter

1161.03 (j) – Motor Vehicle Repair/Body Shop. The property is in a C3 - Commercial, General Business district. (Page 3)

***Applicant has requested a deferral.**

The members acknowledged the applicant requested a deferral.

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

LOT SPLIT

**5. Docket No. 04-11-21
17514 Detroit Avenue
St. James Catholic Church**

Dru Siley, Liberty Development Co. requests approval of lot split; PPN 311-23-022, PPN 311-23-023, and PPN 311-23-024. The purpose is to separate the school and rectory from the church for the purchase and reuse of those structures for offices. Pursuant to section 1155.07 – Procedures for Lot Splits. The property is in a C2 – Commercial, Retail district. (Page 6)

Dru Siley, Liberty Development Co. was present to explain the request. The members asked why the rectory and school buildings would be on two separate parcels. Staff provided an analysis of the request and recommendation for approval. Although the lot shape was not preferred, it met zoning code and the Community Vision. Public comment was closed as no one addressed the item; there were no chats in the chat box. The members applauded the applicant for the proposal.

A motion was made by Ms. Jordan, seconded by Mr. Kelly to **APPROVE** the request with the following condition:

- There is final approval from the City Engineer and/or Consultant.

All the members voting yea, the motion passed.

NEW BUSINESS

CONDITIONAL USE

**6. Docket No. 05-16-21
14321 Detroit Ave
Nosotros Rock Climbing Gym**

Peter Stancato, Nosotros Rock Climbing Gym requests approval of a conditional use permit for a twenty-four hour operation. Pursuant to section 1129.14 – Supplemental Regulations for 24-Hour Operation and section 1161.03(u) – 24-Hour Operation. The property is in a C2 – Commercial, Retail district. (Page 11)

Peter Stancato, Nosotros Rock Climbing Gym was present to explain the request. Staff presented a brief analysis of the proposal and recommendations for approval. The members said the letters of concern had been read. Public comment was closed as no one addressed the item. The members asked questions and provided comment:

- Were guests of the 24 hour paid members were allowed?
- Would there be overnight events?
- Were there security cameras?
- Where were the location(s) for patron parking?
- Asked about interior features/layout details.
- Was there piped music?
- What about emergencies with no staff member present?
- Expansion of hours was acceptable but not 24 hours.

- Confirmed a conditional use permit was renewed yearly.
- Parking in the childcare lot.
- Hours staff was present.
- Signage.
- Asked about inexperienced climbers.
- Wall height.
- Floor padding.

A motion was made by Mr. Krewson to APPROVE with the following conditions:

- Parking is restricted to the northeast parking lot – the daycare parking lot.
- Receipt of a signed letter from the church board allowing a 24-hour use.
- There is exterior lighting review by the city.
- There are cameras on the exterior of the building (visual and audio recording).

Further discussion of the members was about safety concerns walking from the parking lot to the entrance; the motion was amended.

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

- No parking on the south lot adjacent to the residential parcels.
- Receipt of a signed letter from the church board allowing a 24-hour use.
- There is exterior lighting review by the city.
- There are cameras on the exterior of the building (with audio capabilities).

Ms. Jordan, Mr. Krewson , Mr. McDermott voting yea, and Mr. Kelly voting nay, the motion passed.

8. Docket No. 05-17-21
13368 Madison Avenue
Rising Star Coffee

Cristos Kallas, applicant requests approval for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district. (Page 15)

Cristos Kallas, Rising Star Coffee was present to explain the request for eight chairs, four tables in front of the business. Staff presented a brief analysis of the proposal and recommendations for approval. Public comment was closed as no one addressed the item.

A motion was made by Mr. McDermott, seconded by Mr. Kelly to **APPROVE** the request as amended (eight chairs, four tables). All the members voting yea, the motion passed.

9. Docket No. 05-18-21
14523-27 Madison Avenue
Sarita a Restaurant

Daniel Margulies, Daniel Margulies Co. Inc. requests approval of a conditional use permit for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district. (Page 19)

The item had been withdrawn administratively. No action from the members was required.

Cristos Kallas, Rising Star Coffee was present to explain the request for eight chairs, four tables in front of the business. Staff presented a brief analysis of the proposal and recommendations for approval. Public comment was closed as no one addressed the item.

A motion was made by Mr. McDermott, seconded by Mr. Kelly to **APPROVE** the request as amended (eight chairs, four tables). All the members voting yea, the motion passed.

**9. Docket No. 05-18-21
14523-27 Madison Avenue
Sarita a Restaurant**

Daniel Margulies, Daniel Margulies Co. Inc. requests approval of a conditional use permit for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district. (Page 19)

The item had been withdrawn administratively. No action from the members was required.

REVIEW OF CONDITIONAL USE

**10. Docket No. 05-08-12
15605-07 1/2 Detroit Avenue
Merry Arts Pub & Grille**

Review of conditional use compliance as requested by the Lakewood Planning Commission at the April 1, 2021 meeting. At the May 3, 2012, John Granzier, Merry Arts Pub & Grille business owner requested a conditional use for Outdoor/Seasonal Dining Facility pursuant to Sections 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit, and requests a variance for extended hours for the use of the outdoor dining. This property is located in a C2, Commercial and Retail district. **The applicant was approved for a patio at the rear of the property; disposition is attached.** (Page 26)

John Granzier, Merry Arts Pub & Grille was present. Staff provided an overview of the item and recommendation. Public comment was taken. The members thanked the applicant, stated the applicant was responsible for the patrons and music volume not the neighbors, recommended rescinding the conditional use, asked how patrons access the parking lot, asked the staff about smokers on the patio after permitted hours, asked about steps for an administrative review and recommended public review, suggested patio redesign, asked the applicant about staff enforcing the conditional use requirements.

A motion was made by Ms. Jordan, seconded by to **APPROVE** a conditional use permit with the following stipulation:

- Planning Commission to review and approve at the July 2021 meeting.

All the members voting yea, the motion passed.

**OLD BUSINESS
ZONING CODE AMENDMENT
11. Docket No. 04-15-21**

CHAPTER 1153 Fences

The City of Lakewood requests review and recommendation to City Council of proposed amendments to Chapter 1153 of the Codified Ordinances pertaining to the regulation of fences. (Page 41)

Shawn Leininger was present to explain the amendments (note: recent amendments in the presentation – differ from those submitted with agenda). There was discussion about side yard fences, residential vs non-residential, living fences, thanked the staff.

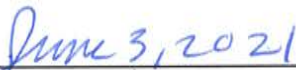
A motion was made by Mr. Krewson, seconded by Ms. Jordan to **RECOMMEND TO CITY COUNCIL** the amended amendments. All the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. Krewson, seconded by Ms. Jordan to **ADJOURN** the meeting at 8:54 p.m. All the members voting yea, the motion passed.



Signature



Date

Johanna Schwarz

From: Katelyn Milius
Sent: Monday, April 26, 2021 3:44 PM
To: Johanna Schwarz
Subject: FW: PC21-000007 Request for Deferred Submittal

From: Melissa Hernandez <MHernandez@crossarchitects.com>
Sent: Wednesday, April 14, 2021 1:27 PM
To: Katelyn Milius <Katelyn.Milius@lakewoodoh.net>
Subject: RE: PC21-000007 Request for Deferred Submittal

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

Katelyn,

We are requesting a deferred submittal of the Conditional Use permit application from the Planning Commission meeting on May 6, 2021. This request is for the proposed Caliber Collision Auto Body Paint and Repair shop located at 11801 Detroit Avenue Lakewood, OH. We will provide the revised plans to address the requirements of the city ordinance prior to the next available Planning Commission meeting schedule.

Please let me know should you have any questions.

Thank You,



Melissa Hernandez | Cross Architects, PLLC

Direct: 469.393.1124

Email: mhernandez@crossarchitects.com

879 Junction Dr, Allen, TX 75013

www.crossarchitects.com

From: Katelyn Milius [<mailto:Katelyn.Milius@lakewoodoh.net>]
Sent: Thursday, March 18, 2021 12:22 PM
To: Melissa Hernandez <MHernandez@crossarchitects.com>
Subject: RE: PC21-000007 Request for Deferred Submittal

Thank you.

From: Melissa Hernandez <MHernandez@crossarchitects.com>
Sent: Thursday, March 18, 2021 12:00 PM
To: Katelyn Milius <Katelyn.Milius@lakewoodoh.net>
Cc: Bret Flory <bflory@crossarchitects.com>
Subject: PC21-000007 Request for Deferred Submittal

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Katelyn,

We are requesting a deferred submittal of the Conditional Use permit Application from the Planning Commission meeting on April 1, 2021. This request is for the proposed Caliber Collision Auto Body Paint and Repair shop located at 11801 Detroit Avenue Lakewood, OH. We will provide the revised plans to address the requirements of the city ordinance prior to the next available Planning Commission meeting schedule.

Please let me know should you have any questions.

Thank You,



Melissa Hernandez | Cross Architects, PLLC

Direct: 469.393.1124

Email: mhernandez@crossarchitects.com

879 Junction Dr, Allen, TX 75013

www.crossarchitects.com

Johanna Schwarz

From: Jean Spackman <jtspackman@sbcglobal.net>
Sent: Wednesday, April 14, 2021 6:44 PM
To: Planning Dept
Subject: Docket No. 04-10-21 - 17514 Detroit Avenue

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

I would like to know about what types of businesses the proposed offices will be used for. The information on-line indicates business hours would be from 7:00 a.m. until 6:00 p.m., but doesn't give any indication \ how many or the types of businesses or offices that would be moving in.. What types of business start at 7:00 a.m.? I have heard rumors regarding a construction company moving into the rectory. If this is true, I don't want construction vehicles coming and going at 7:00 a.m. in the morning nor do I want large construction vehicles parked in the area. We are good neighbors and want good neighbors across the street. . Currently, I walk out of my house and see a large dumpster. I realize that trash will be generated, but I don't know anyone who wants to come out of their house and see this on the property across from their house. IThis was an issue several years back and our Councilman was extremely helpful in getting it moved. If a dumpster is going to be on the property, it definitely needs to be smaller and screened. There is no landscaping on the Northwood side of the property. Has landscaping been considered? The sewer on the parking lot exiting onto Northwood Avenue is in complete disrepair with water backing up when it rains and the top of the sewer approximately 7" below the top of the surrounding asphalt and looking like it will collapse soon. Who is going to repair and maintain the parking lot?

Thank you for responding to my inquiries. I realize that meeting is for a lot split, but all these questions pertain to making it a lot split that the neighborhood can live with and support.

Thanks
Jean Spackman
440-343-3273

Johanna Schwarz

From: Anna <anna_bacho@yahoo.com>
Sent: Monday, May 3, 2021 4:17 PM
To: Planning Dept
Cc: Anna Bacho
Subject: Nostros Rock Climbing Gym Docket No. 05-16-21

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

Good afternoon,

Today we received a letter from the city on the request from Nostros Rock Climbing Gym on being open and available 24 hours.

We live adjacent to the gym on Lincoln and while the gym has a active vibrant clientele, I do not think we need to have a 24 hours facility in our residential neighborhood.

I am concerned about car traffic and late night pedestrian traffic.

Ray and Anna Bacho

Lincoln Resident

Sent from my iPad

Johanna Schwarz

From: Brenda Pongracz <brendawepfer@hotmail.com>
Sent: Monday, May 3, 2021 5:17 PM
To: Planning Dept
Subject: Nosotros Rock Climbing Gym Proposal

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

I would like to comment on the proposed 24-hour operation for Nosotros Rock Climbing Gym. I am opposed to this proposal. While in a commercial-retail district, Nosotros is located adjacent to numerous residential buildings and homes. I do not think it is appropriate for a business with no parking facility located on a busy side street to operate for 24 hours in Lakewood. This area of Detroit and Lincoln is already very busy and crowded. In addition, the residents in close proximity should not have to deal with noise and traffic from this business for 24-hour periods.

I am also concerned that if this business is granted 24-hour operations, others in the neighborhood will follow suit. Lakewood is a busy, crowded, noisy city as it stands. We need respite from 12:00am-8:00am from this noise and traffic.

Again, I would like to voice my opposition to Docket No 05-16-21.

Thank you!
Brenda Pongracz
1377 Manor Park Ave

Johanna Schwarz

From: Celeste Blau <cb077@yahoo.com>
Sent: Monday, May 3, 2021 4:25 PM
To: Planning Dept
Subject: Nosotros 24/7 permit

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Parking is a big problem during Nosotros current open hours...it is impossible for Lincoln street residents to find street parking during those times. Allowin 24.7 gym access would negatively impact parking even more.

Please do something to address parking...perhaps street permits for residents? I have no complaints or issues besides parking.

Best,

Celeste Blau
1429 Lincoln Ave

Johanna Schwarz

From: Rachel Mayton <rachel.d.mayton@gmail.com>
Sent: Tuesday, May 4, 2021 1:25 PM
To: Planning Dept
Subject: concern about Project 14321 detroit ave, Nosotros rock climbing gym for the public hearing on May 6th, 2021

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Dear Planning commission,

I am emailing you to voice concern about Nosotros Rock Climbing Gym becoming 24 hours. As I live only a few houses down from the location (1448/1450 Lincoln Ave), this is something that would most likely not be good for our street. Particularly at this end of Lincoln Avenue the majority of the families in these homes have small children, quite a few even under the age of 5! Lincoln Ave is already a busy enough street with traffic both night and day (considering it is so close to both the highschool and Detroit rd), to have the gym become 24 hours would only increase the traffic -- especially at night. While some may be thinking, well that is fine, at least more traffic at night means most of the children will be in bed and won't get hit by cars; however, the downside here is that the majority of those new cars will add to the sound pollution that already plagues these homes. That many more cars means that many more noises to disrupt our, and our children's, sleep. It also means more people outside in their parking lot talking loudly before and after rock climbing sessions at all hours and their patrons blasting music in their cars -- all of which will lend negative effects to the atmosphere of the neighborhood. Extended hours I can understand, but please not 24/7.

Please vote no on this issue to help keep Lincoln Avenue and the other surrounding areas (Olivewood on the eastern side of the church, etc) as family friendly as possible.

Thank you for your time and consideration,
Rachel Mayton-Rickel
Rachel.d.mayton@gmail.com
440-242-7228

Johanna Schwarz

From: ybirmury@juno.com
Sent: Wednesday, May 5, 2021 10:26 AM
To: Planning Dept; ybirmury@juno.com
Subject: re Nosotros Rock Climbing Gym

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Planning Commission,

We are homeowners near address in question - living on the northern end of Olivewood Avenue - and encourage approval of the request made by Mr. Stancato for 24 hour operation of the Nosotros Rock Climbing Gym.

We believe the Gym is a benefit to the community, and can not anticipate a problem associated with the extended operation hours.

thank you,

Murray and Kathy McKinsey

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Woman Missing 5 Months Wintered in Tent, Eating Moss
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Bill and Melinda Gates' Divorce Hits China Hard
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At Everest Base Camp, 'Coughing Everywhere'
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Johanna Schwarz

From: debrichball@aol.com
Sent: Wednesday, May 5, 2021 7:41 PM
To: Planning Dept
Subject: Docket No. 05-16-21 Nosotros Rock Climbing Gym

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Good Evening,

I am a concerned resident of Lakewood wish to make my voice heard about the above docket and having the Norsotros Rock Climbing Gym open for 24 hours.

My husband and I are against this proposal since we live next to the parking lot of the Lakewood Baptist Church. My concerns are that there is no security lighting or any lighting at all in the back parking lot and with people going 24 hours to this gym, entering and exiting their cars will be disturbing to our household especially at the late hours.

There is no business that is open in Lakewood that is open for 24 hours and we fear what will happen if other businesses which to do the same. We have a concern with vandalizing our property and waking us up in the middle of the night. There is also a day care center located in the back of the church and with more traffic in the back parking lot someone such as a child who might be playing in the area may get hurt.

If you wish to contact us at 216-570-9682 we will be happy to voice more of our concerns.

Mr. & Mrs. Baller
1428 Olivewood
Lakewood, OH

Johanna Schwarz

From: Planning Dept
Sent: Wednesday, May 5, 2021 9:18 PM
To: Planning Dept
Subject: RE: Question @ Bar Italia

Stacy,

Planning Commission approved the temporary parklet, which will be shared by Nature's Oasis and Bar Italia.

Merry Arts already has their patio in the back. This is a review of their patio due to noise complaints in 2020.

Let me know if you have any other questions.

Katelyn

Katelyn Milius, PE
City Planner
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-6634

-----Original Message-----

From: Stacy Careccia <s.rawlings@sbcglobal.net>
Sent: Wednesday, May 5, 2021 9:46 AM
To: Planning Dept <Planning@lakewoodoh.net>
Subject: Question @ Bar Italia

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I wanted to know the update or status on what was decided on for the park-lets for Bar Italia? Also I just got a letter that Mary arts is asking for outdoor dining I don't know exactly what that means? What are they exactly asking for?

Stacy Careccia

Forbici Salon
15618 Detroit Avenue
Lakewood, Ohio 44107

216.227.0077

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Johanna Schwarz

From: rcpiunno@cox.net
Sent: Friday, April 30, 2021 8:23 AM
To: Katelyn Milius; Planning Dept
Subject: May 6 planning commission comments

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

Good morning Katelyn

I have a few comments on the upcoming Planning Commission meeting on May 6. Due to other commitments I will not be able to attend virtually "in person". My comments are for item #8, the outdoor dining at Rising Star Coffee.

- I first wanted to say that I support outdoor dining in Lakewood
- The outdoor seating diagram does not appear to be following Covid guidelines of 6 feet between tables.
- Will there be a border (fence) between the outdoor dining area and the sidewalk? It does not appear there is one in the drawings. I thought that was a requirement?
- The drawing shows the distance between the west most table chairs and the sidewalk bench to be 4'-6". With people sitting on the bench, the distance will even be smaller. From previous conversations the minimum sidewalk width has to be 5'. I realize that this is only a six inch difference before people sit on the bench, but if we give this variance, we have set a precedent. In the future we may have to decide how large a variance will be allowed for the next outdoor dining. Is it possible to remove the bench to allow for the 5' of pedestrian space?

I noticed the invite no longer gives the procedure to submit comments ahead of time, so I am sending these to you and the generic planning department email. Can you please let me know you received these?

Thanks for your great work

Ralph Piunno

rcpiunno@cox.net

216-978-7354

Johanna Schwarz

From: Melinda Uschold <melinda.uschold@gmail.com>
Sent: Tuesday, May 4, 2021 12:12 PM
To: Planning Dept
Cc: Jason Shachner; Jason
Subject: Docket No. 05-08-12 Merry Arts Pub and Grille - Neighborhood Concerns

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Good Afternoon Lakewood Planning Commission,

I am a Lakeland Ave neighbor of Merry Arts. When I moved here in 2017 I knew and did not mind living by Merry Arts, I am an occasional patron, taking advantage of their delicious 2 for 1 burgers, etc. I also love that they have a pet friendly patio.

My concerns are purely on how the neighborhood is negatively impacted by noise, littering and speeding drunks on our side streets.

My first opinion is there should be no music or TV's on the back patio after 11:00pm. There are so many neighbors, above Merry Arts and along the side streets with families, children that need to be up for school, parents and adults that need a good night sleep to work that are affected by the noise levels. 11:00pm is a reasonable time for a neighborhood establishment.

My second opinion is the back patio entrance to the parking lot either needs to be closed or monitored by an employee. The parking lot behind Merry Arts and CVS, and other neighboring businesses, our yards and tree lawns are littered all the time with beer bottles and vomit.

And lastly the traffic on Lakeland is a huge concern as well, there are many, many patrons speeding their way to and from Merry Arts and other businesses, this is certainly something that Merry Arts cannot control but the City of Lakewood needs to consider this.

I met with Officer Angela Ortiz and voiced my concerns to Councilman Jason Shachner regarding this last year. They were very proactive to our initial concerns, monitored the excess speeds and the times the traffic was most active. But it all stopped there. We have several cars day and night driving 35-50mph. We need a consistent police presence with radar on our streets.

Thank you for allowing us the opportunity to voice our concerns,
Melinda Uschold

Sent from [Mail](#) for Windows 10

Johanna Schwarz

From: cire dnomyar <cirednomyar@yahoo.com>
Sent: Tuesday, May 4, 2021 12:16 PM
To: Planning Dept
Subject: Docket # 05-08-12 15605-07 1/2 Detroit Ave. Merry Arts Pub & Grille

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

In regards for the request for Merry Arts patio staying open past 11, I am fully against. I live at 1435 Lakeland, purchased this home in 2018. I was fully aware living this close to a bar and downtown it would come with noise. I hadn't realized how much litter, broken bottles, and intoxicated drivers there would actually be.

I've swept broken glass numerous times since being on this street, I've woken passed out people on and around my property to tell them to walk home. I've witnessed numerous people drunk driving. With no police presents, it feels like a free for all for merry arts patrons to get wasted and leave the area a mess.

I'm raising 2 little ones on this street and trying to teach them about safety and about the area. I fear for there safety a lot with the amount of drunk driving and intoxicated individuals around our residence.

I realize a bar makes money selling alcohol, but allowing merry arts to have patio dining extended past 11 with loud music, tv, and patrons is completely unacceptable, there has to be a balance. It's not even just fri and sat night it's loud, it's almost every night.

Bare with me I am on my lunch break and on my phone. But please realize that I and I know numerous neighbors are completely against the patio staying open late! As well as fed up with intoxicated drivers.

Thank you, Eric Raymond resident to 1435 Lakeland Ave.

Sent from my iPhone

Johanna Schwarz

From: Sara Eyman <saraeyman216@gmail.com>
Sent: Tuesday, May 4, 2021 7:16 PM
To: Planning Dept
Subject: Project Location: 15605-07 1/2 Detroit Ave, Merry Arts Pub & Grille

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

To whom this may concern,

My family and I live at 1421 Westwood Ave, behind Merry Arts. I am strongly against this proposed request to extend the hours for the use of outdoor dining. Not only does Merry Arts not take into consideration the neighboring homes when they are blasting their music in their outdoor dining area, but the disrespect from their patrons in the parking lot with noise is unacceptable. We have had to call the Lakewood police numerous times for the volume of music coming from Merry Art's outdoor seating and yet, nothing has changed. Please do not approve the request variance as there are numerous families who live by this establishment and they clearly do not respect that in the late hours of the night as it is, being able to serve food will only add to that.

Please let me know if you have any questions, we are happy to elaborate further.

Thanks,

Sara Eyman
440.479.1925

Johanna Schwarz

From: connie bielawski <homeandstudent2017@gmail.com>
Sent: Wednesday, May 5, 2021 9:19 AM
To: Planning Dept
Subject: Comment Docket Number 05-08-2012 Merry Arts Pub & Grille

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Below is my comment re: Docket Number 05-08-2012 Merry Arts Pub & Grille. Please provide confirmation of receipt.
Thanks

Re: DOCKET NO. 05-08-12

15605-07 1/2 Detroit Avenue

Merry Arts Pub & Grille

This letter is to request that the conditional use permit requested by Mr. John Granzier, Merry Arts Pub & Grille business owner be denied based on the following.

Reviewing the Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t), the applicant "may be permitted to operate an Outdoor/Seasonal Dining Facility as a conditionally permitted accessory use subject to the following." The following elements of the ordinance are not met by the applicant.

Section 1161.03(t)(8)(E) states,

"Applicants *shall* not permit customers to carry alcoholic beverages from the Outdoor/Seasonal Dining Facility to any place outside the Outdoor/Seasonal Dining Facility except the adjacent Restaurant Use, and the facility *shall* be designed in a way so as to maintain compliance with this provision."

Note the use of the word "shall" meaning that the requirements in this section are an imperative command, meaning that the applicant has the duty to comply with the requirements. Looking at the outdoor dining facility from the public parking lot, the entrance to the outdoor dining area is directly connected to the city owned parking lot. Patrons are free to move between the outdoor dining area and the public parking lot. Patrons often have been seen congregating in the public parking lot drinking their beverages. There is no one at the entrance to the outdoor dining facility preventing patrons from exiting the outdoor dining area to drink and congregate in the public parking lot. The litter of empty or broken beer bottles and drinking cups attest to the fact that patrons are not confined to the dining facility. Mr. Granizer's failure or inability to contain his patrons within his establishment has resulted in residents calling the police to quiet down the noise coming from the public parking lot.

Section 1161.03(t)(14) states,

"An Outdoor/Seasonal Dining Facility *shall* operate only between the hours of 11:00 a.m. and 10:00 p.m. Sunday through Thursday, 11:00 a.m. Friday to 1:00 a.m. Saturday and 11:00 a.m. Saturday to 1:00 a.m. Sunday, *only* between the months of April through and inclusive of October....The limitations set forth herein...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.

Once again, this section uses the word "shall" meaning that the requirements in this section are an imperative command, that the applicant has the duty to comply with the requirements. The ordinance provides specific times that the outdoor facility shall be operational. It is not based on what sports events are being televised that evening nor is it based on the weather. Outdoor dining is not permitted on a warm unseasonable evening in March or November.

As the section also states, the residents in adjacent areas, on Westwood Avenue and Lakeland Avenue, are entitled "to enjoy a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity in adjacent areas." Entitled means the residents have the legal right to enjoy "a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity" which we are denied.

Section 1161.03(t)(15) states,

"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/Seasonal 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."

I interpret the operational elements of the ordinance to mean that when the dining facility is closed, the music and televisions are also turned off. Yearly, residents have had to call the police regarding the excessive and loud noise coming from the televisions and loudspeakers located in the outdoor dining facility.

Mr. Granzier can argue that COVID has caused many people to be outside the establishment. Actually COVID has exasperated the issues. The bottom line is the issues identified regarding the excessive noise, drunkenness, and the disregard to adhere to the elements of the ordinance have been ongoing since the outdoor permit was granted nine years ago in 2012. I believe that during these nine years Mr. Granzier would have become more familiar with the ordinance and perhaps more sensitive to the issues of those who live nearby.

In summary

1. City police resources are used to force a business owner to comply with an ordinance. I believe these resources could be put to better use in light of what is happening currently in our city.
2. The City parking lot is a nuisance due to the litter.
3. City residents are denied their right to "a period of rest and relaxation without intrusion from the possibilities of excessive noise and activity."

Mr. Granizer needs to realize, Lakewood is a compact city. It's compactness is what makes this city so unique and wonderful to live in. Due to the city's density, we all must be considerate of and accountable for our behaviors. Hence, the City enacted ordinances which provide guidance for all city residents and businesses to live harmoniously. The ordinance regarding outdoor seasonal dining facilities is fair and equitable. It does not pose undue burdens on business owners while it considers the quality of life for those residents who live around these establishments.

Mr. Granzier has chosen not to adhere to the ordinance. As with all choices in life, there are consequences. The Planning Committee, as representatives for the City of Lakewood, it is your *duty* to protect the health, safety, and welfare of your residents. Protect them by denying the conditional use permit requested by Mr. John Granzier, owner of the Merry Arts Pub & Grille.

Respectfully yours,

Connie Bielawski

1424 Westwood Avenue

Lakewood Ohio 44107

Johanna Schwarz

From: A. Shaughnessy <ashag2285@gmail.com>
Sent: Wednesday, May 5, 2021 12:27 PM
To: Planning Dept
Subject: Merry Arts Pub Agenda

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

To whom it may concern

I am a resident at 1430 Lakeland Ave. and I want to voice my thoughts on Merry Arts Pub and Grill agenda meeting that will be 5/6/2021 @ 7:00pm.

Docket No. 05-08-12
15605-07 1/2 Detroit Ave
Merry Arts Pub and Grill

Let me start by saying I am fully aware that I purchased a home 4 houses behind a Bar/Restaurant and in the general downtown Lakewood vicinity. I was also born and raised in Lakewood. Grew up on Lewis Dr. 3 houses north of Madison Ave. with 3 bars right at the surrounding corners. I know what to expect regarding noise, intoxicated people, and litter in my area of living.

The way things are currently operating at Merry Arts, in my understanding, is that the patio closes to food and drinks at 11:00pm. Im also under the impression the patio is open till the bar closes at 2:30am, but the patio area is only open to smoking patrons from 11pm-230am. If this is true it works nicely for me and my neighbors as we've talked about it. I do not feel the bar should be granted permission to have the patio hours extended past 11:00pm for food and or drinks. This decision would result in loud people and music for us residents to deal with 7days a week till 2:30am! This is unacceptable for me and my neighbors. There needs to be a balance between business owners and residents. The residents and business owners need to work together and have there needs to be compromise on both ends.

My family and neighbors like the way things are operating as is, the noise dies down at 11:00pm (still there but not as loud once 11pm comes). It is a given and obvious that having the outdoor patio hours extended will be excessive noise till 230 am. Most of us of us have kids and all of us have jobs and on average we wake up at 7am for school and work.

Please be aware there are MANY reasons it will not work in our neighborhoods favor to have Merry Arts patio hours extended.

Thank you for your consideration
Amanda Shaughnessy

Johanna Schwarz

From: Joan Tropf <joantropf@aol.com>
Sent: Wednesday, May 5, 2021 12:49 PM
To: Planning Dept
Cc: Jason Shachner
Subject: Docket No. 05-0-12; Merry Arts Pub & Grille

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I am responding to the notice I received pertaining to the referenced Docket No. I live at 1422 Lakeland Ave., which is the second house south of the parking lot behind the Merry Arts. I have lived here for over 31 years.

I do not believe a variance for extended hours for the use of the outdoor dining should be granted for the following reasons:

- the current level of noise and disturbances generated by the patrons at night
- the current level of speeding street traffic and acceleration noise generated by the patrons leaving the parking lot at night
- the current level of neighborhood litter, trash and vomit left in the neighborhood and parking lot overnight
- the lack of any monitoring of the ingress/egress of the back patio allowing patrons to leave the premises, with open containers of alcohol, to congregate in the parking lot and on adjoining sidewalks

Further, in the recent past I have called the Lakewood Police as to people damaging property in my front yard and trespassing in my backyard. Alcohol was involved in both instances. I believe this should be considered when the Planning Commission reviews the request for the referenced variance.

Should you have any questions about my concerns, please contact me.

Thank you.

Joan Tropf
1422 Lakeland Ave.
216/246-3802

Johanna Schwarz

From: Elizabeth Glaude <ea199988@gmail.com>
Sent: Wednesday, May 5, 2021 8:05 PM
To: Planning Dept
Cc: Jason Shachner
Subject: Project 15605-7 1/2 Detroit Ave, Merry Arts

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Hello,

I am writing to share my concerns with extended outdoor eating and drinking at Merry Arts.

This is difficult for me as I understand businesses trying to stay open and make money. (Not that Merry Arts looks empty and is always busy). However I am opposed to it due to the noise and safety issues.

Unfortunately for the bar they are close to houses. The bar is loud and sounds/voices easily travel. As it currently stands I hear the bar during weeknights and Sundays when I am trying to relax and go to sleep. I do not want to hear people until 2am.

I understand due to COVID-19 wanting more space but not at the expense of the neighbors. Bar patrons end up yelling on my sidewalk and often leaving garbage. CVS also is very littered with beer cans and bottles.

Also In the last year I have had to call the police at least 2x due to intoxicated people arguing and people driving. It creates an unsafe environment. So allowing more people there creates more safety issues.

So I again oppose the request.

Thank you,
Lakeland Ave resident

Johanna Schwarz

From: SHANA Raymond <shanafaulkner@live.com>
Sent: Wednesday, May 5, 2021 11:09 PM
To: Planning Dept
Cc: Jason Shachner
Subject: Merry Arts plan

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

Hi,

My family and I live at 1435 Lakeland. I am writing you today in regard to the proposition of extending the patio hours at Merry Arts.

I was well aware of the proximity to the bar when we purchased this house and for the most part the noise doesn't bother us. What really DOES bother us is the amount of garbage that patrons from Merry Arts dump in our neighborhood.

I have collected countless beer bottles from our front lawn and last year we had an incident where someone leaving merry arts chucked a beer bottle over the fence from the cvs parking lot and it shattered in our driveway. We came home from a friends house that evening to a driveway full of broken glass. This happened somewhere around 6pm. On a normal evening our kids (age 2 and 6) would have been out there. I don't even want to think about what could have happened if that bottle would have hit one of them.

So, to me the bigger issue is the lack of enforcement of the people leaving the bar out of the back entrance with their beer bottles and just ditching them before driving home. I know for a fact that my neighbors have experienced similar issues. From vomit on their sidewalk, to bottles of urine in their yard, drunks wandering around on their property and endless endless trash in our yards.

I believe A LOT of these problems could be avoided if they would close off that back entrance after dark so the patrons would have to go back through the bar and the staff could better monitor what's going on. Or have a bouncer outside? But there absolutely needs to be more oversight to what's happening back there. And I really don't think the patio needs to be going any later than 11.

Just my 2 cents as a neighbor.

Thanks

Johanna Schwarz

From: Sharyn Arai <sharyn.arai@gmail.com>
Sent: Thursday, May 6, 2021 10:37 AM
To: Planning Dept; Jason Shachner
Subject: Docket No. 05-08-12 regarding Merry Arts Pub & Grille

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

RE: Docket No. 05-08-12 regarding Merry Arts Pub & Grille

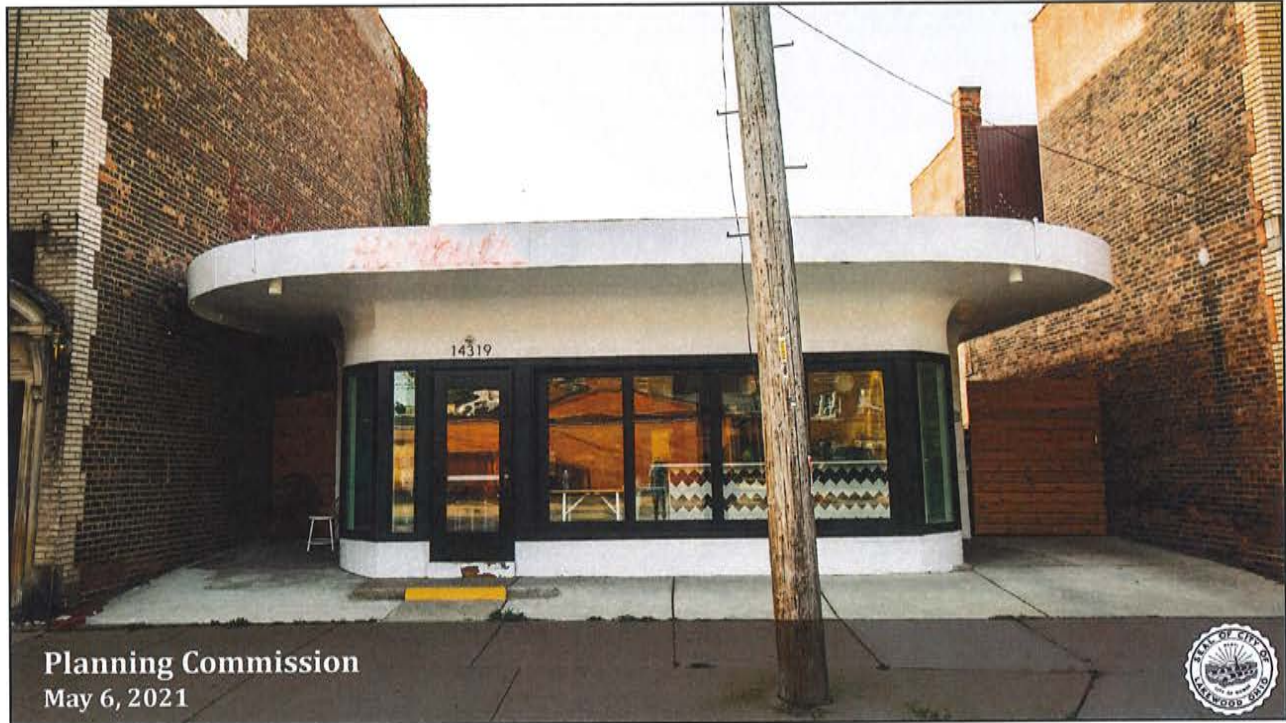
We understand that the Merry Arts has requested an extension of their outdoor hours. Our family lives within very close proximity to the bar, and we do not support the extended hours.

The Merry Arts is already a nuisance on Lakeland. Merry Arts patrons exit unsupervised from the outdoor dining area, fight in the street, carry their drinks to our yards, leave their trash everywhere, and vomit on our sidewalks. Our children aren't safe to play outside in our own front yard until we've checked it. Just recently we retrieved three beer bottles full of urine from our yard. We've found so many discarded vape pens and other adult paraphernalia and even used, discarded condoms. Furthermore, the Merry Arts patrons take all of our street parking and walk up and down in front of our houses late at night drunk, hollering at each other when they come back to their cars. They also speed up and down our street, intoxicated. They frequently wake our children as it is, and if the outdoor hours were extended, it would only get worse.

We hope that this request is denied and also that Merry Arts closes off the back exit or provides for additional security to prevent intoxicated patrons from carrying their drinks and trash into our yards. Feel free to reply if there are any additional opportunities for input or if you have questions.

Regards,

The Arai Family




1


Agenda

- Conditional Use – Caliber Collision – **Deferred**
- Lot Split – St. James Catholic Church
- Conditional Use – Nosotros Rock Gym
- Temporary Outdoor Dining – Rising Star Coffee
- Temporary Outdoor Dining – Sarita– **Administratively Withdrawn**
- Conditional Use Review – Merry Arts
- Zoning Code Amendment – Chapter 1153 Fences

Planning Commission
May 6, 2021



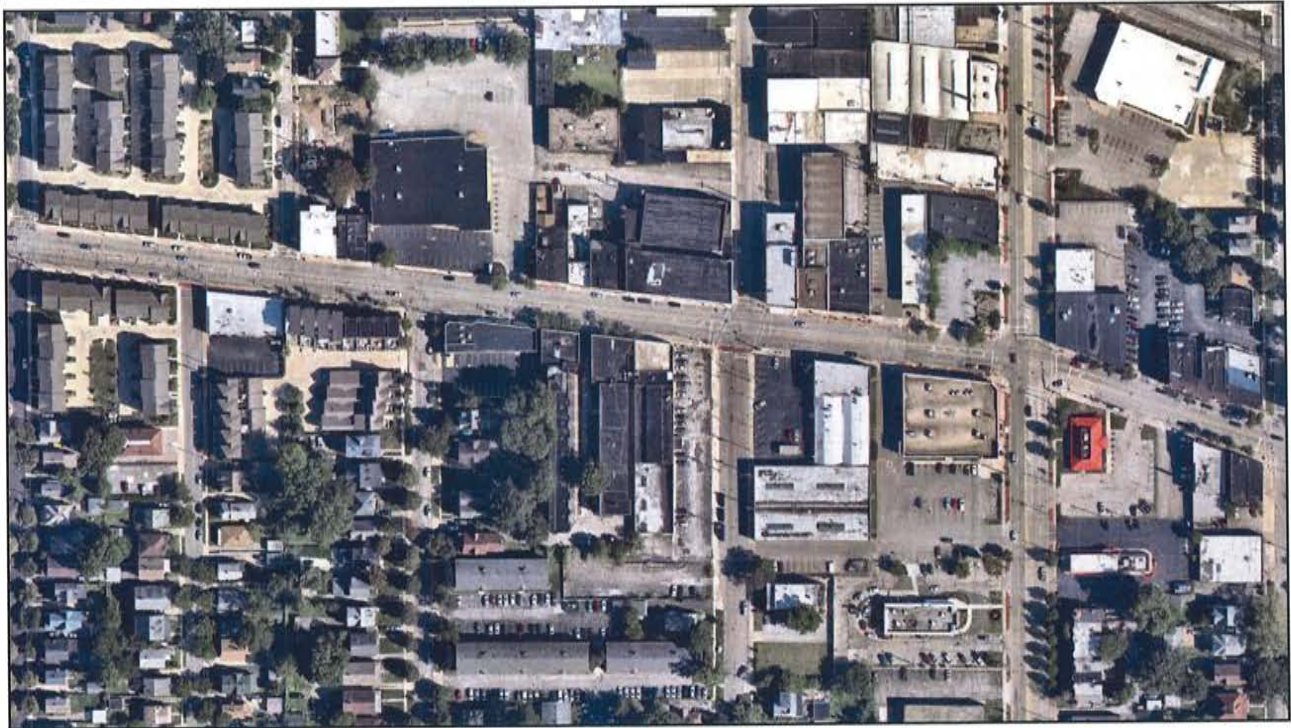
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Docket No. 03-08-21
11801 Detroit Avenue

CALIBER COLLISION

3



4



5

Request

The City of Lakewood requests approval of a conditional use permit for the remodel of an existing building to an automobile paint and repair shop. Pursuant to Chapter 1161.03 (j) - Motor Vehicle Repair/Body Shop. The property is in a C3 - Commercial, General Business district.

Docket No. 03-08-21
11801 Detroit Avenue

6



7

Accessory Parking

(a) Accessory Parking. In a residential district, accessory parking for a lot in a commercial district may be permitted as a conditional use provided that:

- (1) The lot on which the proposed use is to be located abuts the commercial lot to which it is accessory;
- (2) The parking lot shall be used only for the parking of non-commercial passenger motor vehicles; and

When determining whether to grant a conditional use permit for accessory parking, the Commission may limit the hours of operation of the proposed conditional use.

(Ord. 52-10. Passed 9-20-2010.)

Docket No. 03-08-21
11801 Detroit Avenue

8

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.
- (i) That the conditional use shall, in all other respects, conform to the 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.

9

(j) Motor Vehicle Repair/Body Shop. In a C2 Retail District or C3 General Business District, a motor vehicle repair/body shop may be permitted as a conditionally permitted use provided that:

- (1) The width of the lot on which the proposed use is to be located shall be not less than 150 feet at the building line, where the proposed conditional use is to be located on a corner lot the herein lot-width requirement shall apply to all sides fronting a public or private right-of-way;
- (2) The area of the lot on which the proposed use is to be located shall be not less than 22,500 square feet;
- (3) All activities, including cleaning, washing, and drying operations shall take place inside the principal structure;
- (4) No merchandise may be displayed outside the principal structure;
- (5) No unlicensed or inoperative motor vehicle shall be permitted on the property outside of the principal structure for more than forty-eight (48) hours;
- (6) Where the proposed use includes body and fender repair or painting, there will be no emissions of odors, dust, smoke, gas, or fumes from the premises on which the proposed use is to be located;
- (7) All outdoor wiring, including electrical and telephone wiring, shall be installed underground;
- (8) A landscape area at least five (5) feet wide shall be provided on the subject lot where the lot abuts a public right-of-way, except where interrupted by driveways; and
- (9) Landscaping and screening, approved by the Architectural Board of Review pursuant to Chapter [1141](#), is provided; where such use abuts a residential district or use, said landscaped area shall be not less than ten (10) feet wide.

10

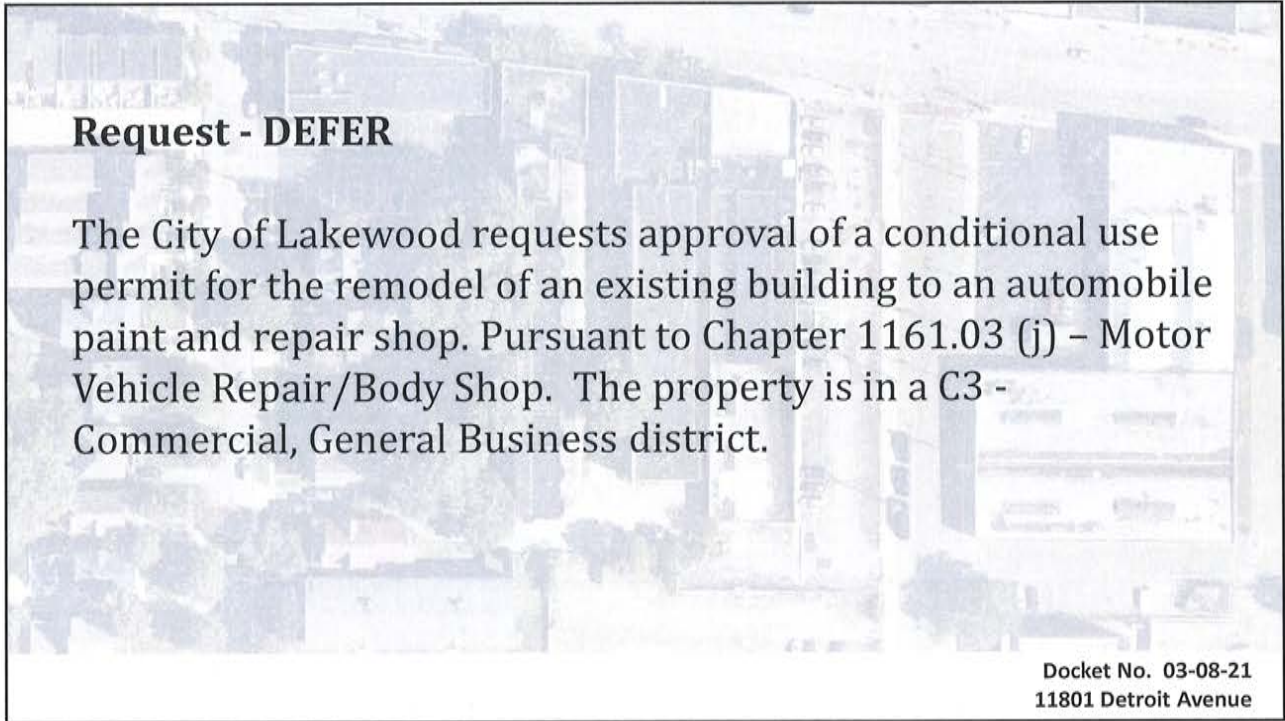
- Lot width at Detroit Avenue does not meet 150-ft. requirement.
- Exceeds maximum parking – 38 per max retail.
- Min. 5ft landscape area provided on public ROW – 10 ft landscaping and screening along residential
- Bury utilities
- Residential zoned lots – accessory parking conditional use

Docket No. 03-08-21
11801 Detroit Avenue

11

Land Record			
Record Number	1	Land Type	1
Legal Front	195.8	Legal Depth	
Effective Front	195.8	Avg Depth	
Lot Size (SqFt.)	34330	Acreage	0.788
Topography	LEVEL	Lot Shape	
Site Factors			
1. CORNER INFL.			
Land Record			
Record Number	2	Land Type	2
Legal Front	195.8	Legal Depth	
Effective Front	195.8	Avg Depth	
Lot Size (SqFt.)	13000	Acreage	0.298
Topography	LEVEL	Lot Shape	

12

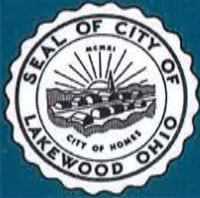


Request - DEFER

The City of Lakewood requests approval of a conditional use permit for the remodel of an existing building to an automobile paint and repair shop. Pursuant to Chapter 1161.03 (j) – Motor Vehicle Repair/Body Shop. The property is in a C3 - Commercial, General Business district.

Docket No. 03-08-21
11801 Detroit Avenue

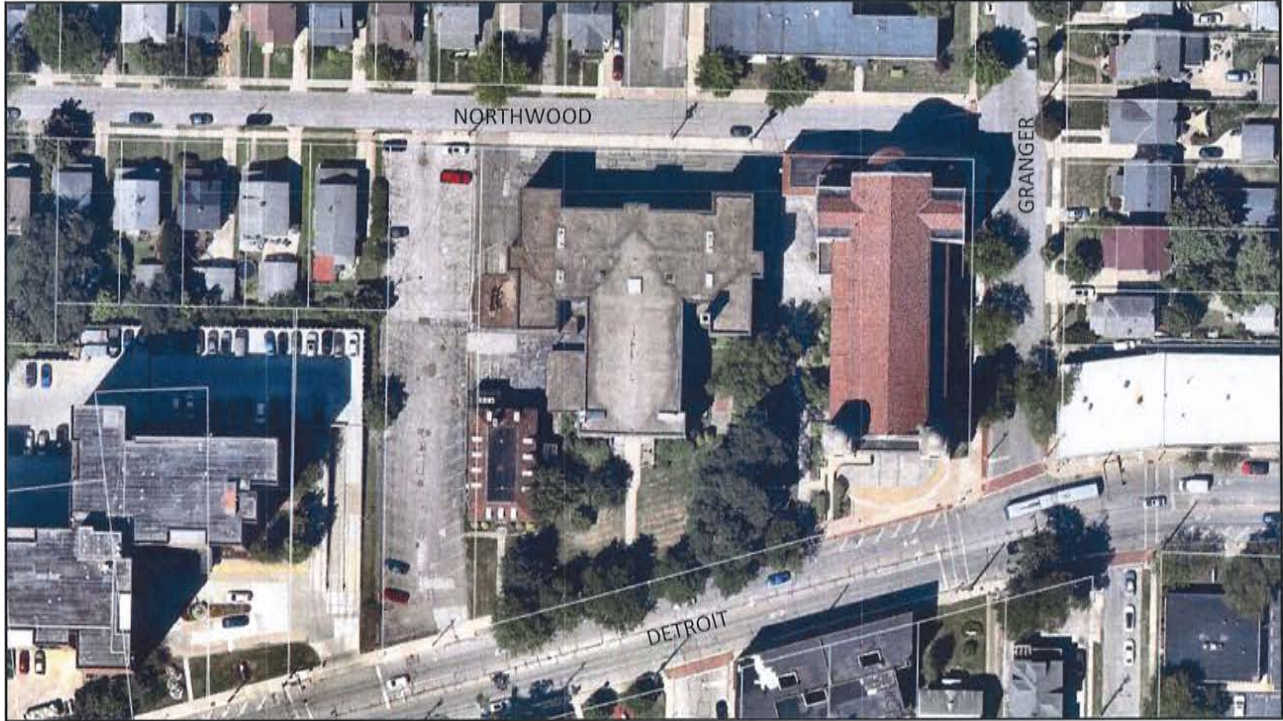
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Docket No. 04-11-21
17514 Detroit Avenue

**ST. JAMES CATHOLIC CHURCH –
LOT SPLIT**

14



15

Request

Review and approval of lot split; PPN 311-23-022. The purpose is to separate the school and rectory from the church for the purchase and reuse of those structures for offices. Pursuant to section 1155.07 – Procedures for Lot Splits. The property is in a C2 – Commercial, Retail district.

16



17

1155.07 PROCEDURES FOR LOT SPLITS.

(c) Approval. The Commission shall review all required maps and the report of the Engineer for compliance with the applicable sections of this Chapter and the Code. The Chairman and Secretary of the Commission shall make an approval notation on the preliminary plan and the plat.

(1) If any proposed lot or parcel does not fully conform with the provisions of the Code, the Commission shall refer the application to the Board with the request that the Board determine whether the applicant should be entitled to a variance from strict compliance with the provisions of the Code which the proposed lot split violates. Upon review and the decision of the Board, the proposed lot split shall be returned to the Commission for its final review and approval, disapproval or modification.

REAR YARD SETBACK VARIANCE APPROVED UNANIMOUSLY AT BZA 4/22

(2) The Commission may disapprove the plan where it finds that the proposed use is not consistent with the Vision; findings supporting such disapproval shall be stated on the record and forwarded to the applicant within fourteen (14) calendar days.

18

SUCCESS IS A CITY OF LAKEWOOD THAT...
EDUCATION & CULTURE

ENHANCING EXISTING ASSETS

- Uses market and social trends to guide City decision making
- Preserves and strengthens its cultural institutions

CREATING PLACES FOR PEOPLE

- Promotes cultural identity in neighborhoods through the design of the built environment
- Recognizes that preservation of structures is important for sustainability

ECONOMIC DEVELOPMENT

BUILDING CONNECTIONS

- Maintains sustained private reinvestment in commercial and residential property

ENHANCING EXISTING ASSETS

- Repurposes or renovates obsolete and vacant retail spaces

CREATING PLACES FOR PEOPLE

- Approves building designs which fit within the scale of our commercial districts

STRIKING A BALANCE

- Adopts and maintains a Zoning Code that is nimble enough to address evolving markets and commercial opportunities, including changes in energy production and distribution

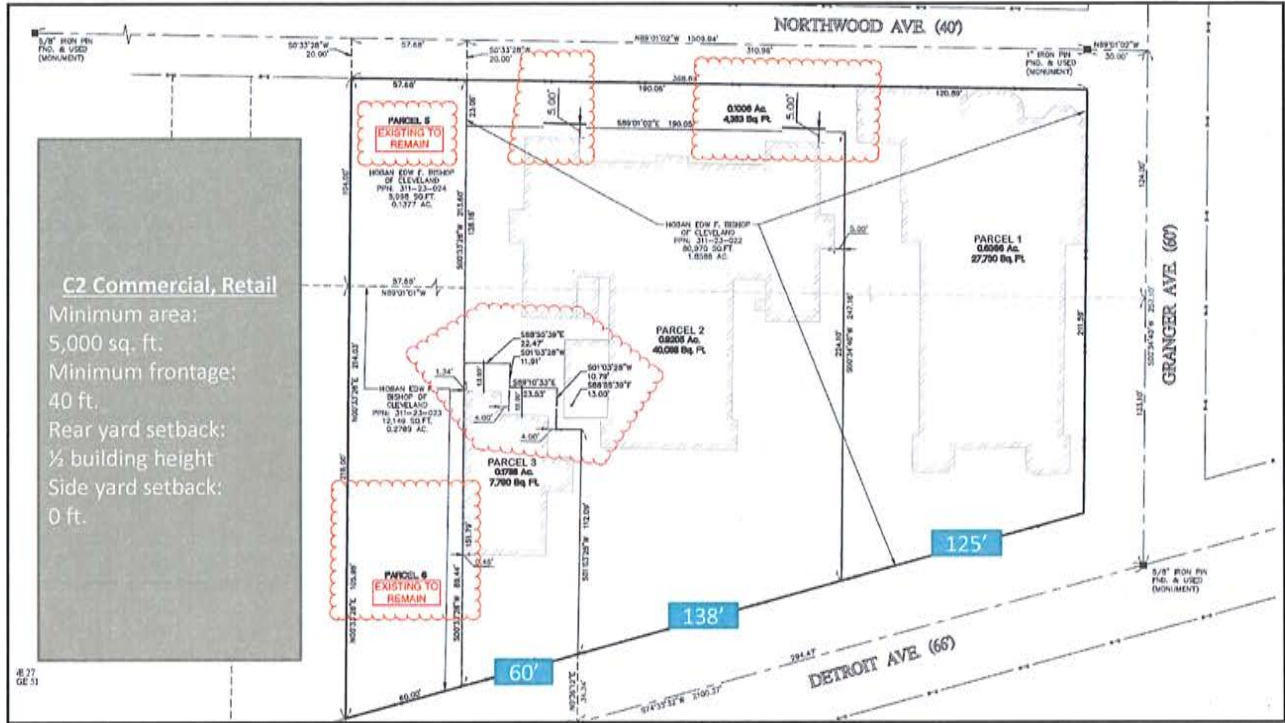
THINKING ABOUT TOMORROW

- Preserves and respects historic context in commercial development projects

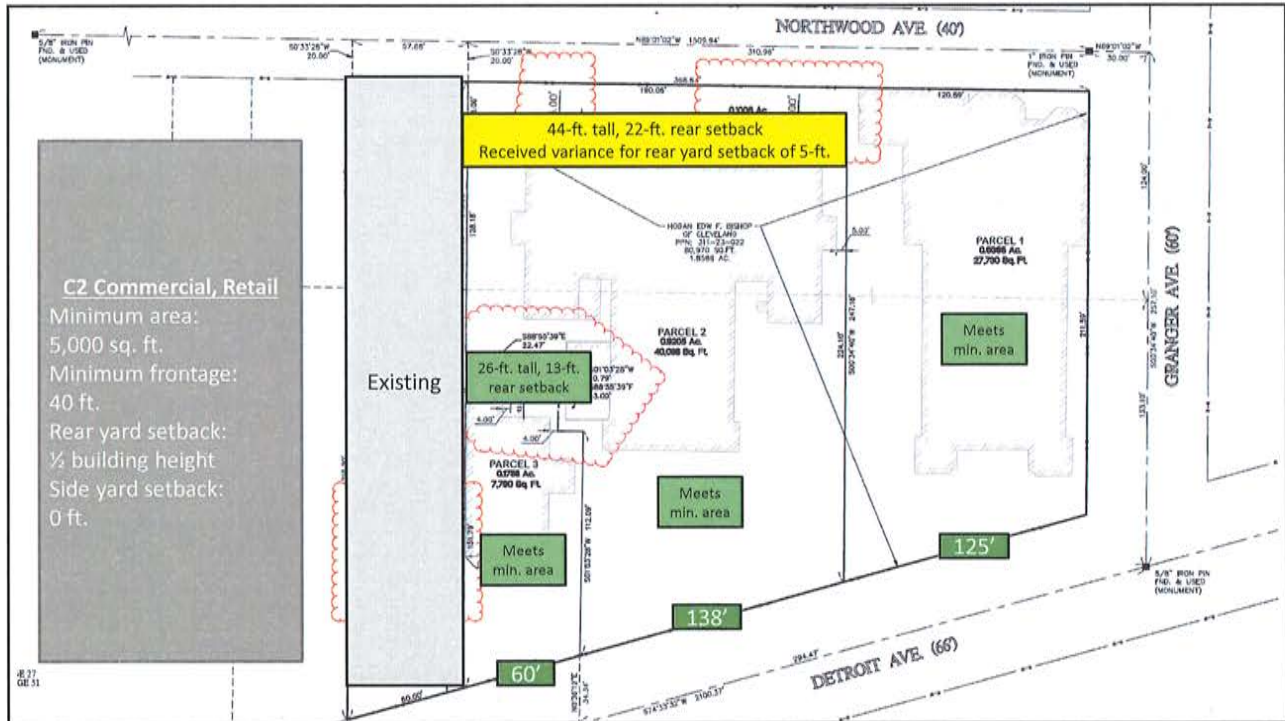
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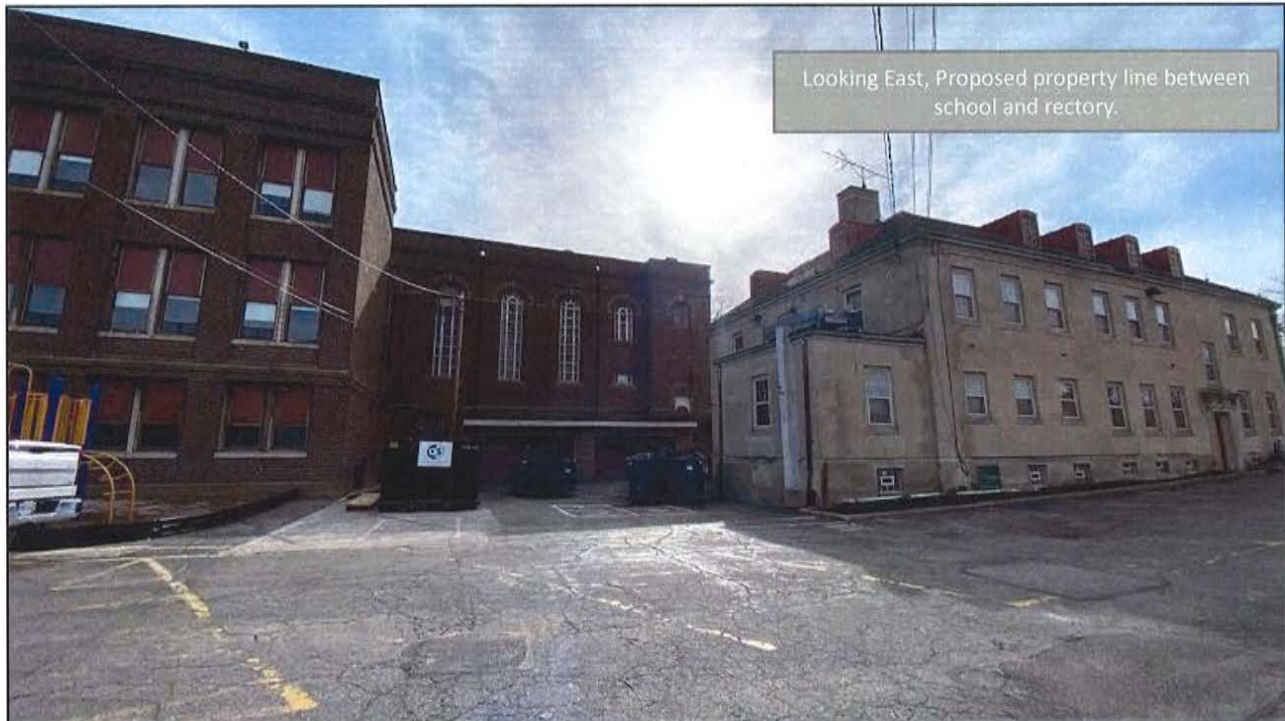
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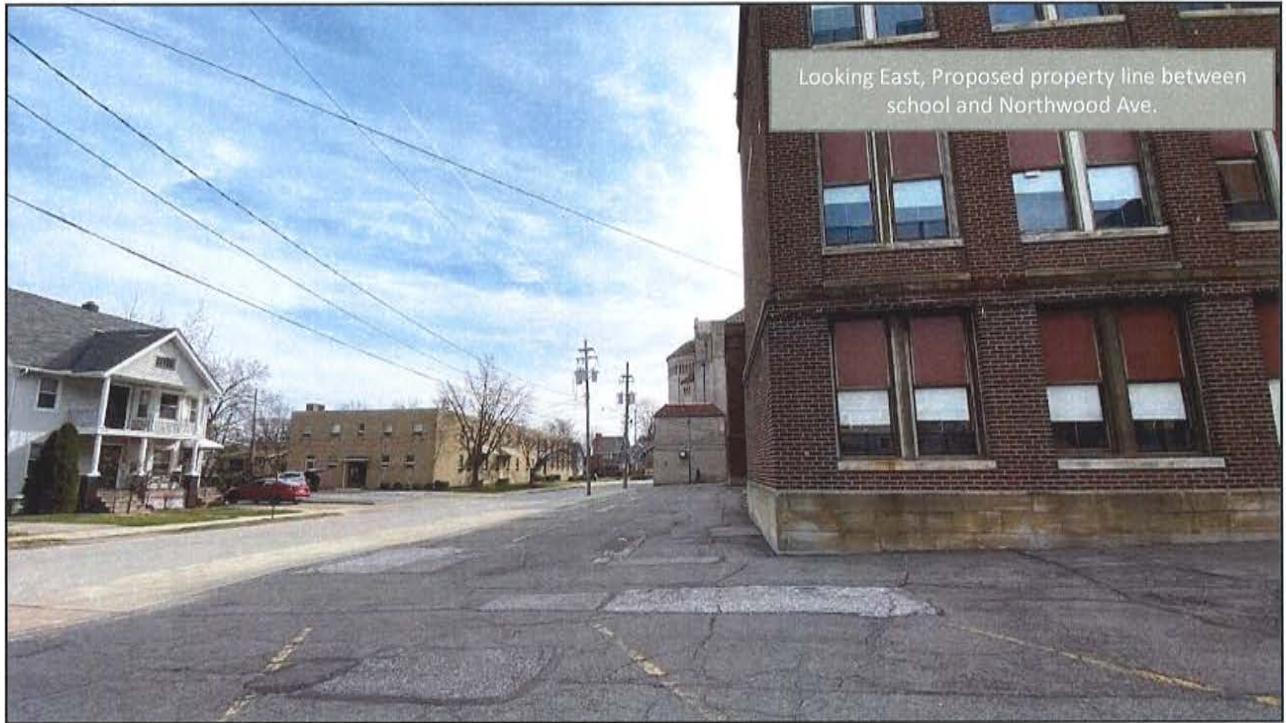
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Request

Review and approval of lot split; PPN 311-23-022. The purpose is to separate the school and rectory from the church for the purchase and reuse of those structures for offices. Pursuant to section 1155.07 – Procedures for Lot Splits. The property is in a C2 – Commercial, Retail district.

Recommended Condition: Final approval from City Engineer and/or Consultant.



Docket No. 05-16-21
14321 Detroit Ave

**CONDITIONAL USE – NOSOTROS ROCK
CLIMBING GYM, 24-HOUR OPERATION**

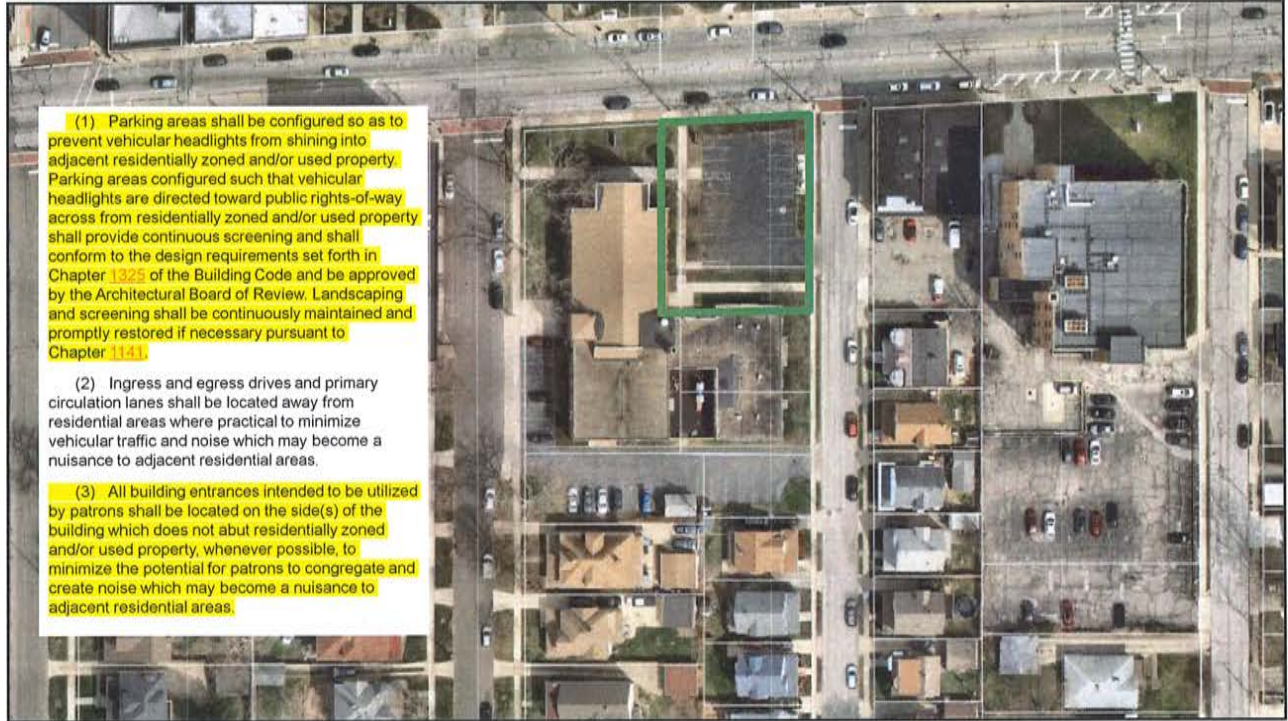
Request

Review and approval of a conditional use permit for a twenty-four hour operation. Pursuant to section 1129.14 – Supplemental Regulations for 24-Hour Operation and section 1161.03(u) – 24-Hour Operation. The property is in a C2 – Commercial, Retail district.

29



30



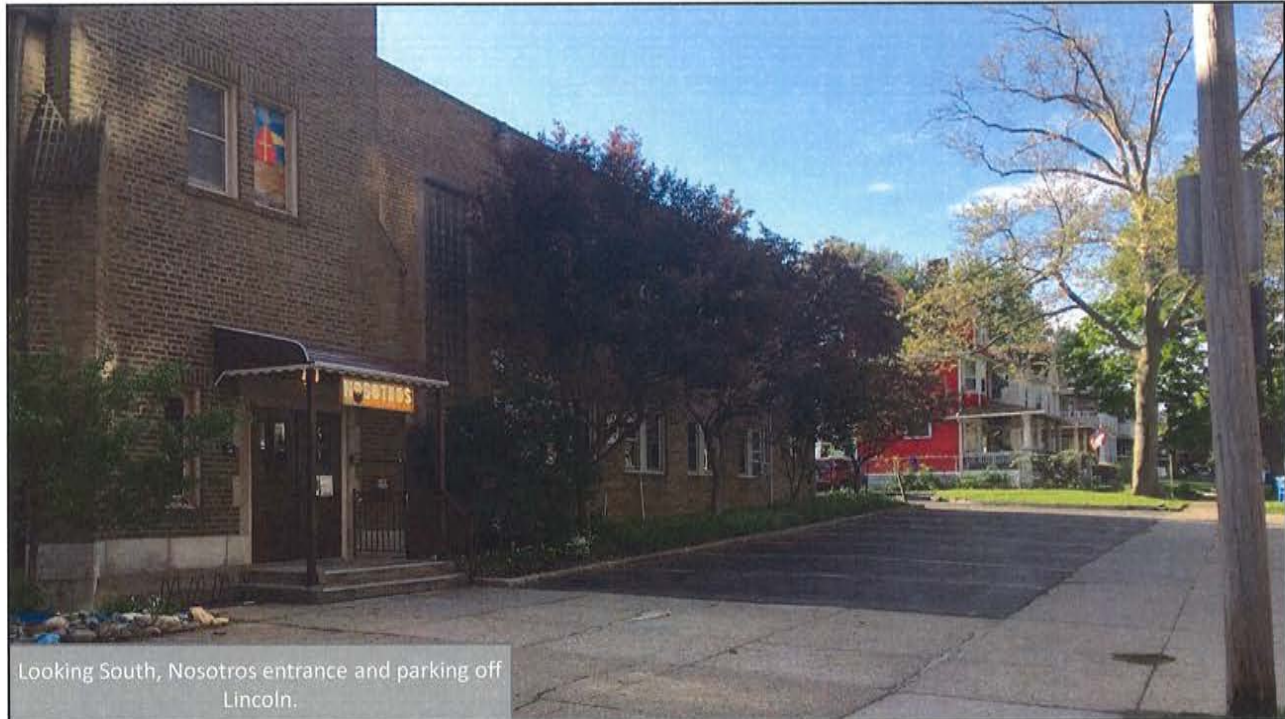
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33



Looking South, Nosotros entrance and parking off Lincoln.

34



35

(u) 24-Hour Operation. In the C1Office, C2 Retail and C3 General Business Districts a 24-hour operation may be permitted as a conditionally permitted use subject to all or any of the following:

- (1) Parking areas shall be configured so as to prevent vehicular headlights from shining into adjacent residentially zoned and/or used property. Parking areas configured such that vehicular headlights are directed toward public rights-of-way across from residentially zoned and/or used property shall provide continuous screening and shall conform to the design requirements set forth in Chapter [1325](#) of the Building Code and be approved by the Architectural Board of Review. Landscaping and screening shall be continuously maintained and promptly restored if necessary pursuant to Chapter [1141](#).
- (2) Ingress and egress drives and primary circulation lanes shall be located away from residential areas where practical to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas.
- (3) All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.
- (5) All exterior site and building lighting, which shall be provided, is approved by the Architectural Board of Review pursuant to Chapter [1325](#) of the Building Code, and such design shall minimize the intrusive effect of glare and illumination upon any abutting areas especially residential pursuant to Section [1306.311](#). (Ord. 2-18. Passed 4-1-2019.)
- (6) Any 24-hour operation adjacent to a residential district and/or use shall be enclosed with a six (6) foot high solid fence along such abutting property lines and be approved by the Architectural Board of Review pursuant to Chapter [1325](#) of the Building Code. Such fence may be increased in height where the Commission deems necessary and be approved by the Board pursuant to Chapter [1153](#).
- (9) Crowd control or other security or safety measures and means of control for sounds vibrations or odors may be required as deemed necessary by the Commission.
- (10) For any 24-hour operation, in order to address specific conditions, the Commission may limit hours of operation during certain days of the week month or year as deemed necessary to protect the surrounding neighborhood.
- (11) A Conditional Use Permit issued pursuant to subsection [1161.03\(u\)](#) shall expire twelve (12) months after the date of issuance.


36

Request

Review and approval of a conditional use permit for a twenty-four hour operation. Pursuant to section 1129.14 – Supplemental Regulations for 24-Hour Operation and section 1161.03(u) – 24-Hour Operation. The property is in a C2 – Commercial, Retail district.

Recommended condition:

- No parking on south lot
- Signed letter from church board approving use.
- Lighting review by the city
- Camera place on the exterior



Docket No. 05-17-21
13368 Madison Avenue

**TEMPORARY OUTDOOR DINING
CONDITIONAL USE – RISING STAR COFFEE**

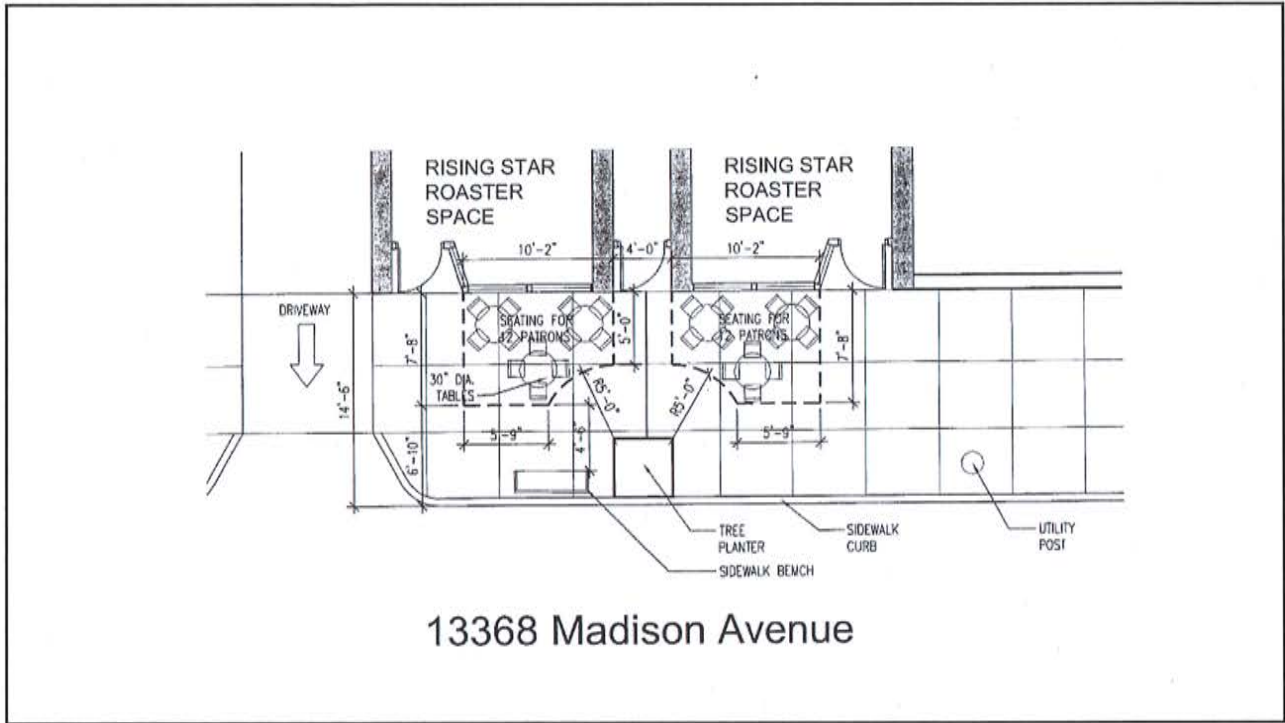


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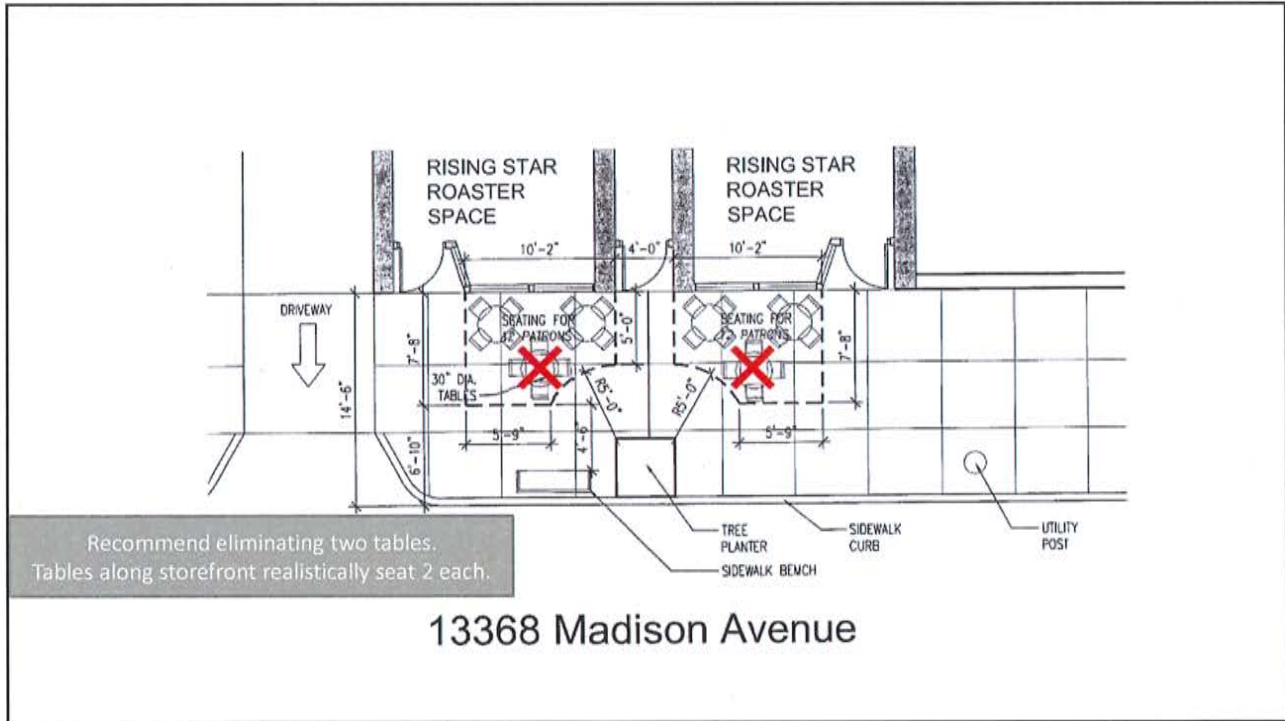
Request

Review and approval for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district.

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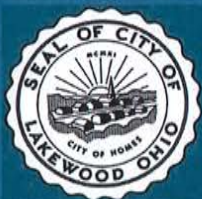
44

Request

Review and approval for the temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31 A (9-21-2020). Property is in a C2 – Commercial, Retail district.

Recommended condition: Four, two-top tables. Eight seats maximum.

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Docket No. 05-18-21
14523-27 Madison Avenue

**TEMPORARY OUTDOOR DINING
CONDITIONAL USE – SARITA –
ADMINISTRATIVELY WITHDRAWN**

46

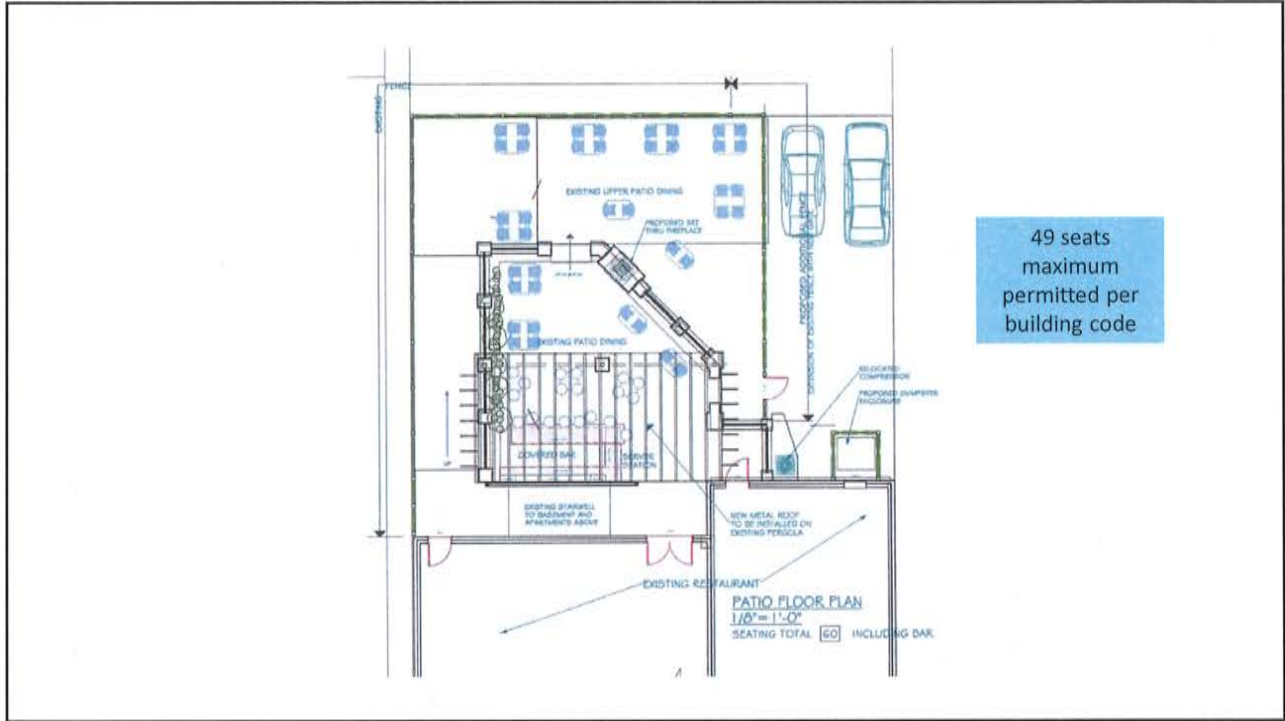


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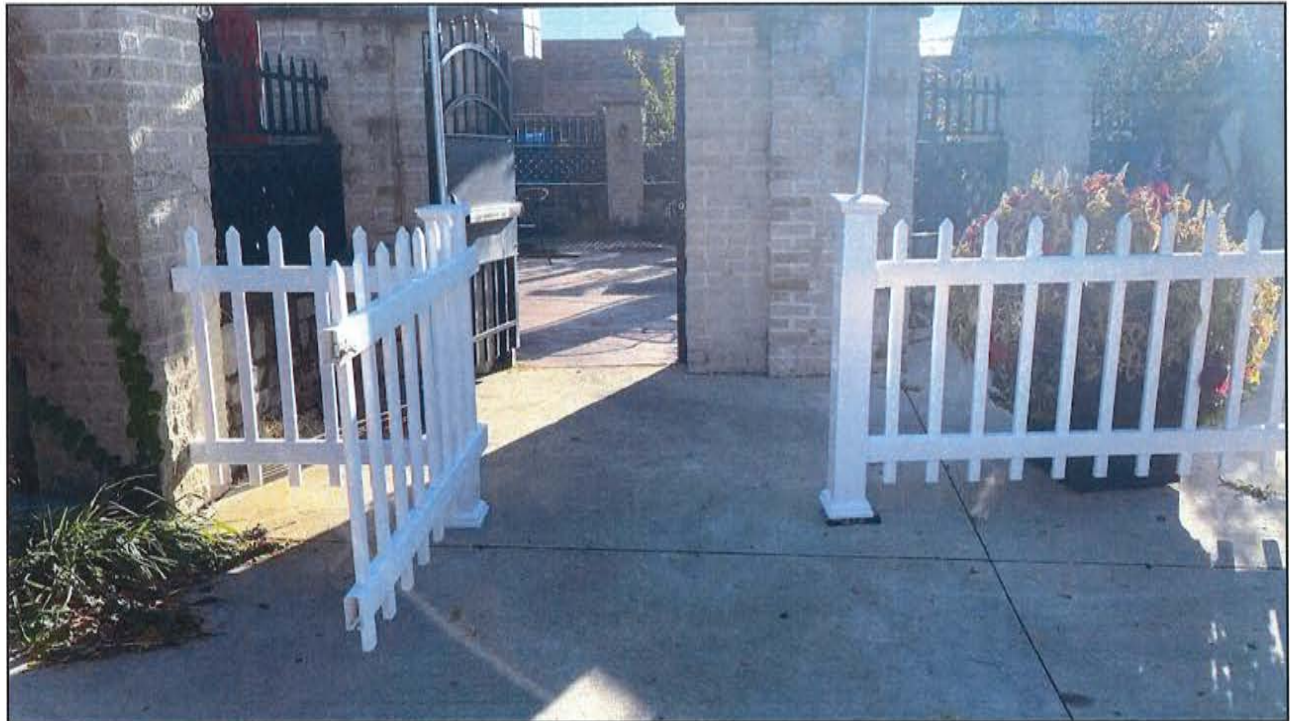
Request

Conditional use for temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions; property is in a C2 Commercial – Retail district. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31(5-22-2020).

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Administration Review

Public Safety: No concern

Architectural Review: Screening for dumpster or moving it away from the ROW.

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Request

Conditional use for temporary expansion of outdoor dining, the flexibility to expand or add outdoor dining to support restaurants that are affected by COVID-19 restrictions; property is in a C2 Commercial – Retail district. Pursuant to Chapters 1161 and 1129 Outdoor Seasonal Dining as temporarily modified by Resolution 2020-31(5-22-2020).

Recommended Condition:

- Maximum of 49 seats permitted per building code.

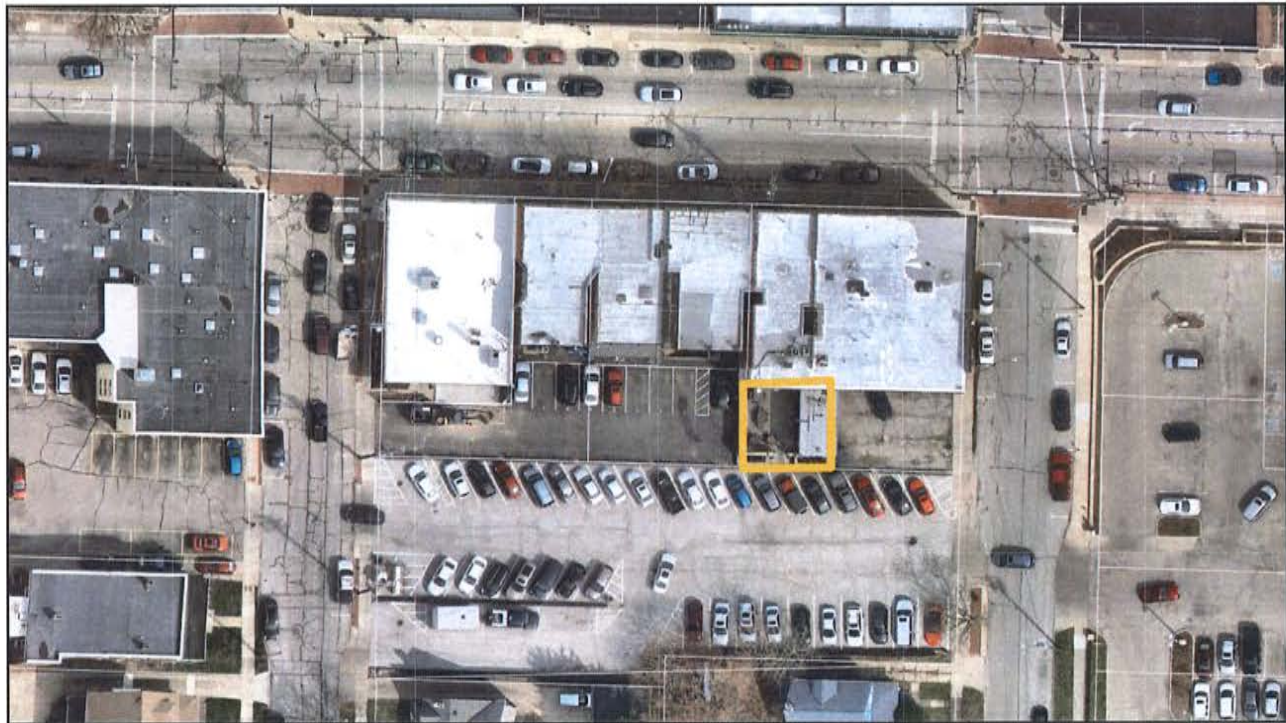
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Docket No. 05-08-12
15605-07 1/2 Detroit Avenue

REVIEW OF CONDITIONAL USE – MERRY ARTS PUB & GRILLE

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Request

Review of conditional use compliance as requested by the Lakewood Planning Commission at the April 1, 2021 meeting. At the May 3, 2012, John Granzier, Merry Arts Pub & Grille business owner requested a conditional use for Outdoor/Seasonal Dining Facility pursuant to Sections 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit, and requests a variance for extended hours for the use of the outdoor dining. This property is located in a C2, Commercial and Retail district. The applicant was approved for a patio at the rear of the property; disposition is attached.

57

Mr. Siley stated there were two requests; one for outdoor dining and one for extended hours. The burden of managing the conditional use requests was upon the business owner. Conditional Use and variance were subject to the Planning Commission’s review if found the owner was not in compliance and created a nuisance. He also explained the process of granting extended hours and any consequences that might occur if not in compliance and the creation of a nuisance.

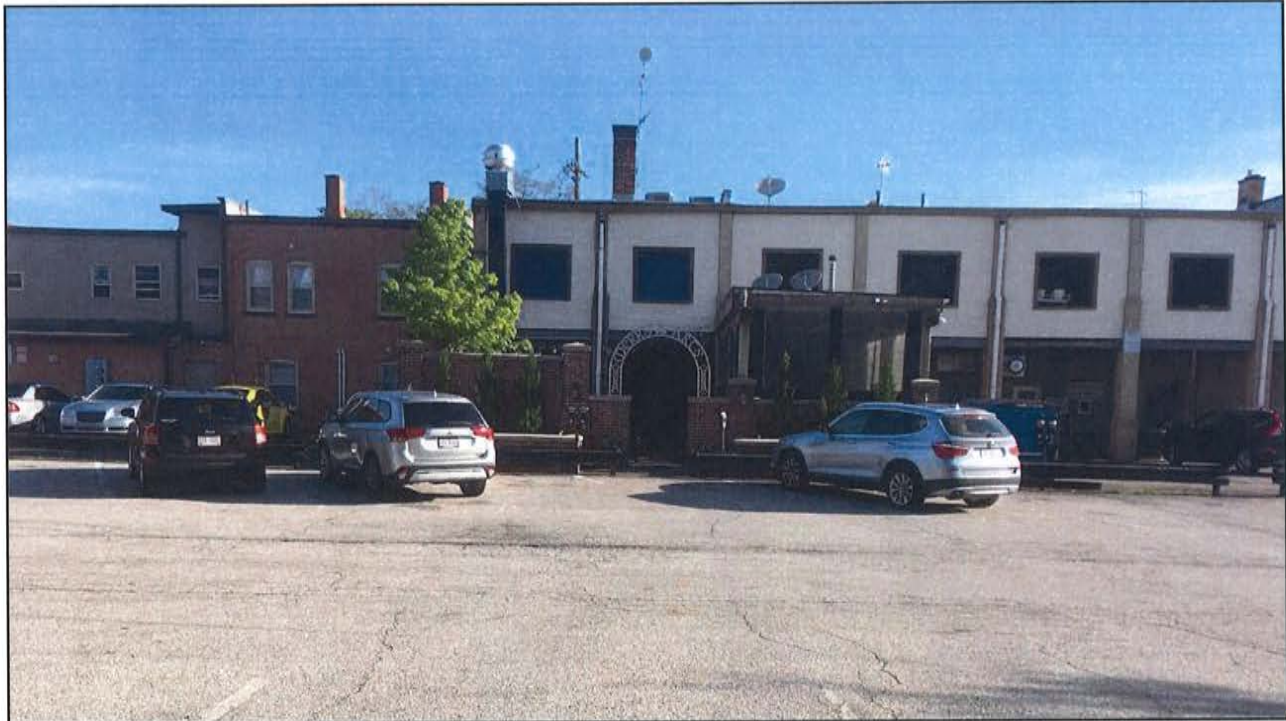
A motion was made by Mr. Metzger, seconded by Ms. Belsito to **GRANT** the Conditional Use of an Outdoor/Seasonal Dining Facility and to **DEFER the request of a variance for extended hours for the use of outdoor dining for one (1) year.** All of the members voting yea, the motion passed.

2012 review and approval of outdoor dining, variance to hours was deferred and never granted
This is the first time the applicant has been called back after 8 years of operation.

58

Merry Arts Call Log
1/3 Yelling in Parking Lot – All quiet
12/11 Behind Bar Fighting – All quiet
10/11 Loud Music and Talking – Moderate on arrival, turned it down
9/10 Parties in back being loud – All quiet
9/1 Music is too loud – Advised and turned down
6/7 12:20 AM Loud music and singing – Spoke to everyone on patio, loud on arrival 10:20 PM Patrons on patio very loud – Music was up loud, bartender turned off

59



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Request

Review of conditional use compliance as requested by the Lakewood Planning Commission at the April 1, 2021 meeting. At the May 3, 2012, John Granzier, Merry Arts Pub & Grille business owner requested a conditional use for Outdoor/Seasonal Dining Facility pursuant to Sections 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit, and requests a variance for extended hours for the use of the outdoor dining. This property is located in a C2, Commercial and Retail district. The applicant was approved for a patio at the rear of the property; disposition is attached.

Recommendation: Administrative review prior to July meeting.

61



Docket No. 04-15-21

ZONING CODE AMENDMENT – CHAPTER 1153 FENCES

62

CHAPTER 1153: FENCE CODE AMENDMENTS

Planning Commission tabled the proposed Fence Code Amendments in April pending following Changes:

1. Provide additional fence height in front yards along side property lines where the residential use abuts a non-residential use.
2. Limit the allowance of 96-inch tall fences to side and rear yards where the abutting use is non-residential or an Interstate Highway.
3. Provide relief from building setback for privacy fences in corner side yards and allow taller fences between setback and right-of-way.



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CHAPTER 1153: FENCE CODE AMENDMENTS

1. Provide additional fence height in front yards along side property lines where the residential use abuts a non-residential use. (Section 1153.03(c))

- (c) **Front Yards.** No fence shall be erected, placed or extended in front of the front foundation wall of the primary structure. There are two exceptions:
- (1) Along a side property line where a residential ~~lot-use~~ abuts a lot containing a non-residential use, upon determination by the Building Commissioner that such a fence does not obstruct the view of vehicle or pedestrian traffic or constitute a hazard. Maximum height of such fence is ~~thirty-six (36)~~ **forty-eight (48)** inches above grade. Fence must be a minimum of twelve (12) inches from the right of way.
 - (2) A fence erected in the front yard and parallel to the public right of way may be permitted provided that:
 - A. The maximum height shall be thirty-six (36) inches above grade.
 - B. The maximum length of the fence shall not exceed fifty-five percent (55%) of the foundation wall of the primary structure facing the public right of way.
 - C. The maximum distance from any portion of the primary structure, including porches, shall be eight (8) feet.
 - D. The minimum distance from the public right of way shall be ten (10) feet.
 - E. No gate shall be included in the fence.

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CHAPTER 1153: FENCE CODE AMENDMENTS

2. Limit the allowance of 96 inch tall fences to side and rear yards where the abutting use is non-residential or an Interstate Highway. (Section 1153.03(d))

- (d) **Rear and Side Yards.** A fence a maximum of ~~ninety-six (96)~~seventy-two (72) inches above grade may be installed. Whenever a rear or side yard of a residential use abuts a lot containing a non-residential use a fence a maximum of ninety-six (96) inches above grade may be installed provided any portion above seventy-two (72) inches is a minimum of twenty-five percent (25%) open to the through passage of light and air between abutting properties.

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CHAPTER 1153: FENCE CODE AMENDMENTS

3. Provide relief from building setback for privacy fences in corner side yards and allow taller fences between setback and right-of-way. (Section 1153.03(e))

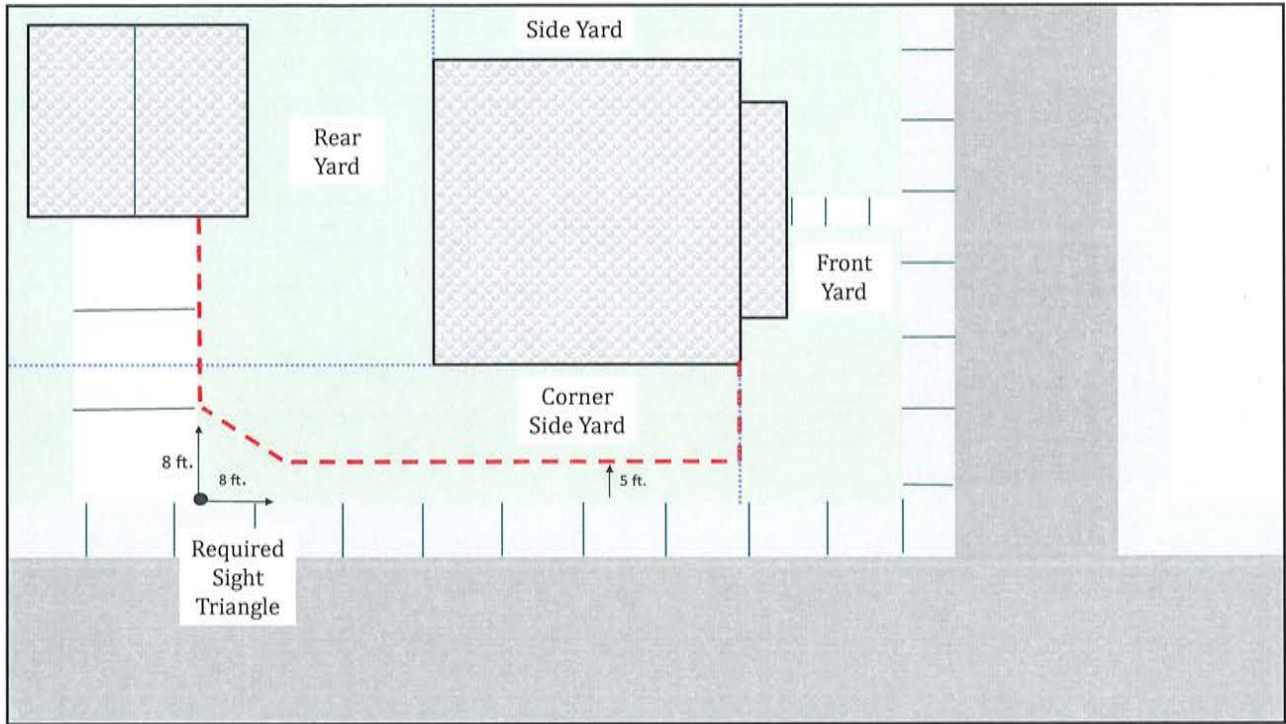
~~(e) — Corner Side Yards.~~

- ~~(1) A fence a maximum of thirty-six (36) inches above grade and a minimum of fifty percent (50%) open to the through passage of light and air may be erected between the public or private right-of-way and the building or setback line provided that it is a minimum of twelve (12) inches from the right of way.~~
- ~~(2) In the area between the side foundation wall of the primary structure and the building or setback line any type of fence otherwise permitted in a side yard may installed as regulated by this Chapter.~~

(e) Corner Side Yards. In a corner side yard, the following fences, except a chain link fence, are permitted:

- (1) Any fence allowed in a rear and side yard may be erected no closer than five (5) feet from public or private right-of-way.
- (2) A fence a maximum of forty-eight (48) inches above grade and a minimum of fifty percent (50%) open to the through passage of light and air may be erected no closer than twelve (12) inches from the public or private right-of-way.

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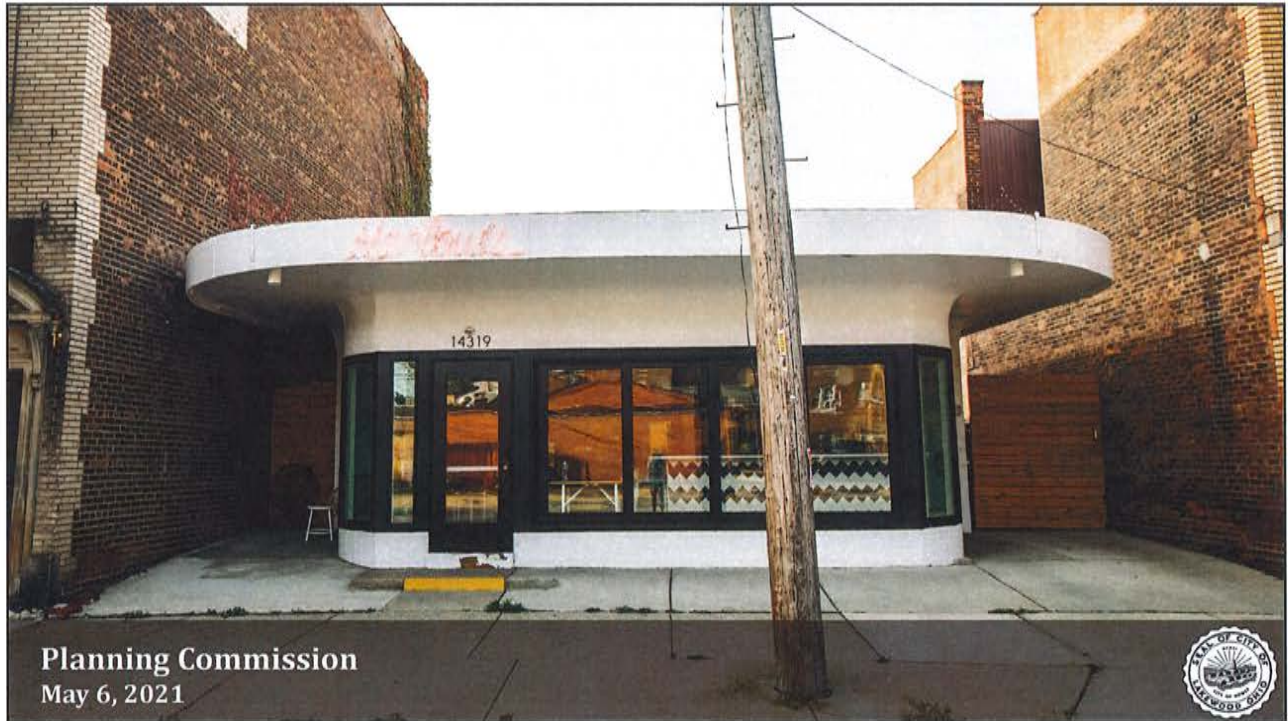


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CHAPTER 1153: FENCE CODE AMENDMENTS

4. [Additional Edit] Modified the definition of corner side yard to simplify the language and clarify the Building Commissioner as the authority on determining yards. (Section 1153.01(c))
- (a) FENCE means an unroofed structure, including a living fence, erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.
 - (b) LIVING FENCE means a grouping of plants including, but not limited to, hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot.
 - (c) YARD, CORNER SIDE means a yard, occurring on a corner lot, which is adjacent to a public or private street, extending from the front foundation wall of the building ~~which is facing the street on the side facing the street~~ to which it is addressed, to the rear lot line as determined by the Building Commissioner, and extending from the side foundation wall to the public or private right-of-way.

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