

**MINUTES
PLANNING COMMISSION
SPECIAL MEETING
LAKEWOOD, OHIO
JUNE 18, 2020
7:30 P.M.
REMOTE MEETING - RECORDED
PRE-REVIEW MEETING
7:00 P.M.**

Review docket items

**REGULAR MEETING
7:30 P.M.**

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

The June 18, 2020 remote meeting information will be posted by 5 PM the day of the meeting at www.onelakewood.com/accordions/planning-commission/

1. Roll Call

Members Present

Kyle Baker, Chair
Nate Kelly
Kyle Krewson, Vice Chair
Monica Jordan (Rossiter)
Jeffrey Wise

Others Present

Michelle Nochta, Planner, Acting Secretary
Jennifer Swallow, Executive Assistant Law Director
Allison Hennie, Urban Planner

2. Opening Remarks

Administrative staff ("staff") read the Opening Remarks into record.

OLD BUSINESS

CONDITIONAL USE

**3. Docket No. 06-20-20
12301 Madison Avenue
LBM**

Eric Ho, LBM requests 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. (Page 3)

Mr. Krewson recused himself as he had an interest in the property. Eric Ho, applicant was present to explain the request. Staff provided the administration's analysis of the proposal; none of the four plans had been reviewed by the City's safety forces. Public comment was taken. The Commission stated the legislation allowed for flexibility, asked if safety forces would allow the closing of a section of sidewalks, discussed the sidewalk closure at this location, ADA compliance, the possibility of adding directional signage for pedestrians, stated that additional reviews were required (Public Works, Engineering and ABR).

A motion was made by Mr. Baker, seconded by Ms. Jordan to **APPROVE Option 2** with the following conditions:

- Temporary removal of bike racks is approved
- ABR administrative approval.
- Approval contingent on safety forces review and approval, Police, Fire, Public Works and Building,
- Adequate signage at Lark and Thrush indicating the sidewalk closure on the west side at the junction of Madison Avenue.

Mr. Baker, Mr. Kelly, Ms. Jordan, Mr. Wise voting yea, and Mr. Krewson abstaining, the motion passed.

NEW BUSINESS CONDITIONAL USE

4. Docket No. 06-24-20 13601-05 Detroit Avenue O'Toole's Pub

Patrick O'Toole, O'Toole's Pub LLC requests 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 C3 Commercial - General district. (Page11)

Patrick O'Toole, applicant was present to explain the request (three/four plans were submitted). Staff provided the administration's analysis of the proposal and supported the latest plan contingent upon review by safety forces, ABR, and Housing and Building. Written public comment was relayed to the Commission. Public comment was closed as no one addressed the item. The Commission stated the bike rack removal was appropriate, asked about fence gates; discussion ensued about the fence and furniture being removed each evening.

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

- Approval contingent on safety forces review and approval, Police, Fire, Public Works and Building,
- Temporary removal of bike racks is approved
- Agreement with the City for sidewalk dining (Use of Public Property).
- Approve temp seating contingent on ABR approval of a temporary barricade. Final table layout to be reviewed and approved by building department and ABR. Maintain public egress on sidewalk at a minimum of 3 feet with unobstructed egress door and swing must be maintained.

Mr. Baker, Mr. Kelly, Mr. Krewson, Ms. Jordan, Mr. Wise voting yea, the motion passed.

Docket No. 06-25-20 17900 Detroit Avenue Wayward Wolf LLC DBA Side Quest

William S. Bridgeman, The Side Quest requests 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. (Page 16)

William S. Bridgeman, applicant was present to explain the request. Staff provided an analysis. Public comment was closed as no one addressed the item. The Commission had no questions or concerns.

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

- Police and Fire: need clear egress from each door to exit of the outdoor dining barriers. Pull door swing must be unobstructed.
- Public works/Engineering: proposed 21 feet is okay for drive lane, add reflective markers to the barricades.

- Building/ADA: no lights for temporary Covid-19 dining.
- Law: Owner to sign outdoor dining use of public property agreement for portion of property that is owned by the city.
- ABR: admin approval of tables, chairs, barricade with reflective markers added.

Mr. Baker, Mr. Kelly, Mr. Krewson, Ms. Jordan, Mr. Wise voting yea, the motion passed.

5. Docket No. 06-26-20
18206 Detroit Avenue
Avenue Tap House/Oscar's Pizza

David Hanna, Ringer LLC requests 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. (Page 24)

David Hanna, applicant was present to explain the request. Staff provided an analysis. Public comment was closed as no one addressed the item. The Commission had no questions or concerns.

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

- Police and Fire: need to review.
- Public Works/Engineering: need to review.
- Building/ADA: maintain the three-foot egress on public walk at all times. Placement of stanchions and tables of 40-inches cannot encroach. The door swing of 36 Inches may not be encroached on.

Mr. Baker, Mr. Kelly, Mr. Krewson, Ms. Jordan, Mr. Wise voting yea, the motion passed.

6. Docket No. 06-27-20
13333 Madison Avenue
Waterbury Bistro LLC

John Patrick, Waterbury Bistro, LLC requests 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. (Page 32)

John Patrick, applicant was present to explain the request. Staff provided an analysis. Public comment was closed as no one addressed the item. The Commission had no questions or concerns.

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

- Police and Fire: approval if meets Building/ABR, water-filled stanchion at entrance from Madison to shield dining area. Reflective tape on barricades.
- Public Works/Engineering approval.
- Building/ABR/ADA: Confirm drive aisle width and parking space, size, dimensions and angles as per Chapter 1325.
- Review and approval by Housing and Building.
- Owner to work with ABR and Building to submit a plan to correct the newly installed striping and ADA space to meet all dimensional requirements to comply after October 31, 2020.

Mr. Baker, Mr. Kelly, Mr. Krewson, Ms. Jordan, Mr. Wise voting yea, the motion passed.

7. Docket No. 06-28-20
15315 Madison Avenue
Buckeye Beer Engine

Johanna Schwarz

From: Michelle Nochta
Sent: Wednesday, June 17, 2020 10:08 PM
To: Johanna Schwarz
Subject: FW: PC-Outdoor Dining - Buckye Beer Engine Application

Follow Up Flag: Follow up
Flag Status: Flagged

Buckeye withdraws application

Michelle Nochta, AICP
City Planner
Department of Planning and Development
City of Lakewood
216-529-5906
michelle.nochta@lakewoodoh.net

From: Peter Stancato Jr. <peter@buckeyebeerengine.com>
Sent: Wednesday, June 17, 2020 11:27 AM
To: Michelle Nochta <Michelle.Nochta@lakewoodoh.net>; Allison Hennie <Allison.Hennie@lakewoodoh.net>
Cc: renee@buckeyebeerengine.com
Subject: RE: PC-Outdoor Dining - Buckye Beer Engine Application

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

Michelle
Yes we withdraw our application.

Here's some feedback. As one of the larger restaurants in Lakewood, to place these aesthetic regulations on a temporary situation is quite honestly ridiculous.

The investment for a 4 month temporary dining period of time just doesnt have the payoff.

What am I supposed to do with water filled stanchions after Oct 31st, 2020?

Umbrellas commonly flip over on the patio, therefore the tents ganged together seemed like a more stable solution on the blacktop. As well as, the tents covered more surface area from the sun which heats up our blacktop parking lot.

To add the costs of the chairs and tables along with what the city is recommending for design solutions just is not favorable economically for the short run.

Thank you for your time and considerations.

On June 17, 2020 at 10:26 AM Michelle Nochta <Michelle.Nochta@lakewoodoh.net> wrote:

Peter,

Just to confirm- are you requesting to withdraw your application?

Michelle Nochta, AICP

City Planner

Department of Planning and Development

City of Lakewood

216-529-5906

michelle.nochta@lakewoodoh.net

From: Peter Stancato Jr. <peter@buckeyebeerengine.com>

Sent: Wednesday, June 17, 2020 10:07 AM

To: Michelle Nochta <Michelle.Nochta@lakewoodoh.net>; Allison Hennie <Allison.Hennie@lakewoodoh.net>

Cc: renee@buckeyebeerengine.com

Subject: Re: PC-Outdoor Dining - Buckye Beer Engine Application

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

Michelle,

Thank you for your reply. We're going to pass.

On June 16, 2020 at 6:50 PM Michelle Nochta <Michelle.Nochta@lakewoodoh.net> wrote:

Hi Peter,



Planning Commission – Special Meeting
June 18, 2020

1



Roll Call
June 18, 2020

2



Opening Remarks
June 18, 2020

3

AGENDA

Temporary Outdoor Dining Reviews

- A. Old Business
 - 1. LBM
- B. New Business
 - 1. O’Toole’s Pub
 - 2. Side Quest
 - 3. Avenue Tap House/Oscar’s Pizza
 - 4. Waterbury Bistro
 - 5. Buckeye Beer Engine

Planning Commission – Special Meeting
June 18, 2020

4



TEMPORARY OUTDOOR DINING

5

Temporary Outdoor Dining

Permitted pursuant to Resolution 2020-31.

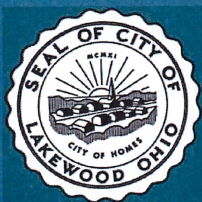
- Allows PC to temporarily waive or modify the requirements in **LCO 1161.03** and **1129.13** through October 2020.
- Requests for up to 30 seats.
- Barrier required where alcohol is served or when placed in parking area.
- Not open after 10 PM, although PC can set an earlier time.
- No entertainment or outside speakers.
- ABR administrative approval unless otherwise specified by PC.

6

Requests

The review and approval for a 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.

7



Docket No. 06-20-20
12301 Madison Avenue

TEMPORARY OUTDOOR DINING
LBM – OLD BUSINESS

8



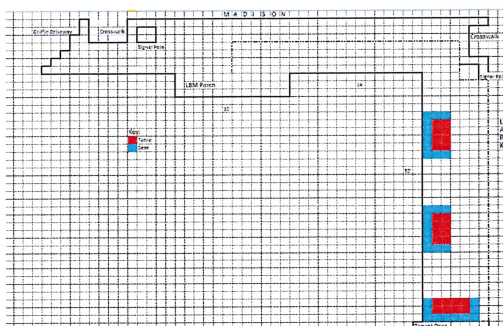
LBM Outdoor Dining Sidewalk Proposals

Eric Ho

Eric@LBMBAR.com

212-518-1075

9



Notes:

- 3x 4 guest capacity tables
- Great guest variance: 6-12
- Barricaded from LBM porch to Lark signal pole and down Lark up to the tenant apartment entrance.
- 36" ADA compliant corridor on Madison sidewalk going East – West
- Brings back 1 part time staff

Option 1

10

Notes:

- 3x 2 guest capacity tables
- 1x 4 guest capacity table
- Minimal guest variance: 8-10
- Barricaded from LBM porch to Lark signal pole and down Lark up to the tenant apartment entrance.
- 36" ADA compliant corridor on Madison sidewalk going East – West
- Brings back 1 part time staff

Option 2:

11

Notes:

- 2x 2 guest capacity tables
- 4x 4 guest capacity tables
- Moderate guest variance: 12-20
- Barricaded from Madison crosswalk and Lark crosswalk down to apartment tenant entrance.
- Pedestrian traffic rerouted around Madison
- Brings back 2 full time staff

Option 3:

12



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14



12301 Madison Ave

Missing in pictures are 2 bike racks on West side of Lark
Propose to relocate further south or across on the East side of Lark

Site Pictures:

15



LBM
12301 Madison

16



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Notes : The plans were received at 7:30pm on 6/17/20

- **Police & Fire:** Have not reviewed the current plans
- **PW/Engineering:** We can remove bike parking temporarily. Have not reviewed current plans.
- **Building/ADA:** Have not reviewed current plans
- **ABR:** Approve site amenities, pending approval of location.

Although the current plans have not been reviewed, previous submissions from the applicant that proposed sidewalk closures were not supported by safety forces at this time.

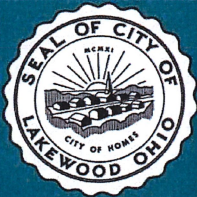
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Public
Comment

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Docket No. 06-24-20
13601 Detroit Avenue

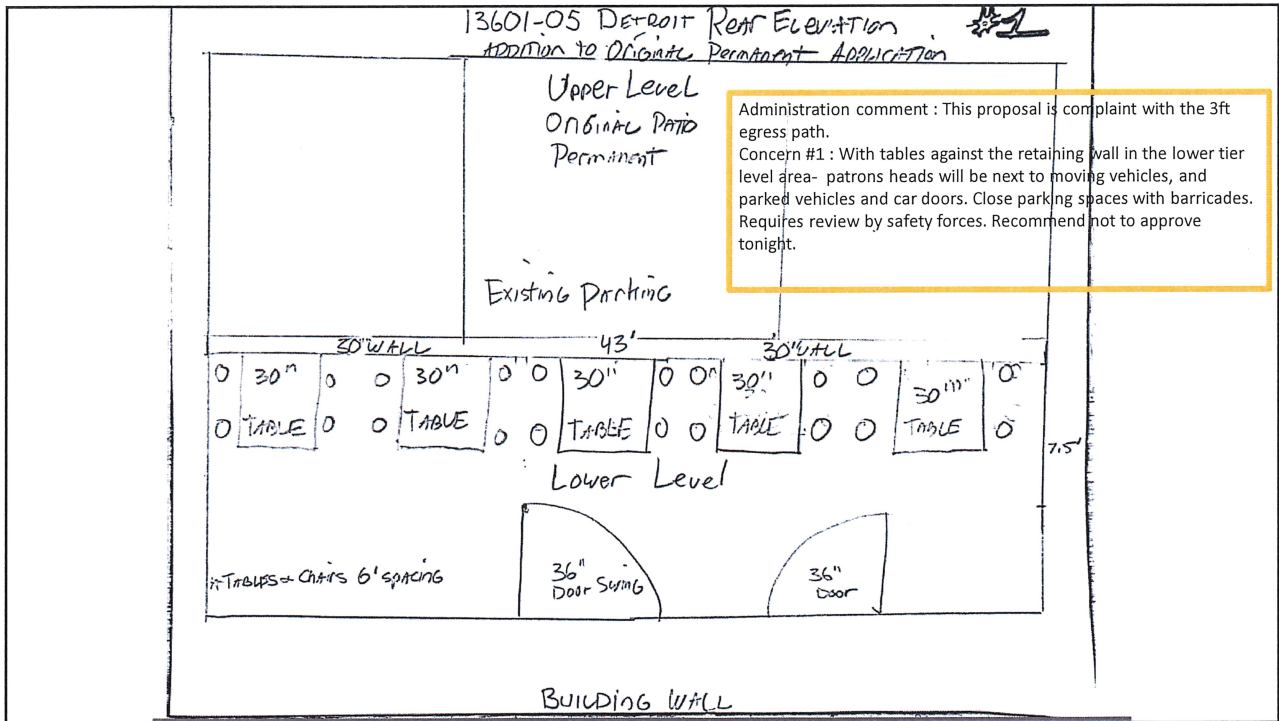
**TEMPORARY OUTDOOR DINING
O'TOOLE'S PUB**

26



O'Toole's
13601 Detroit

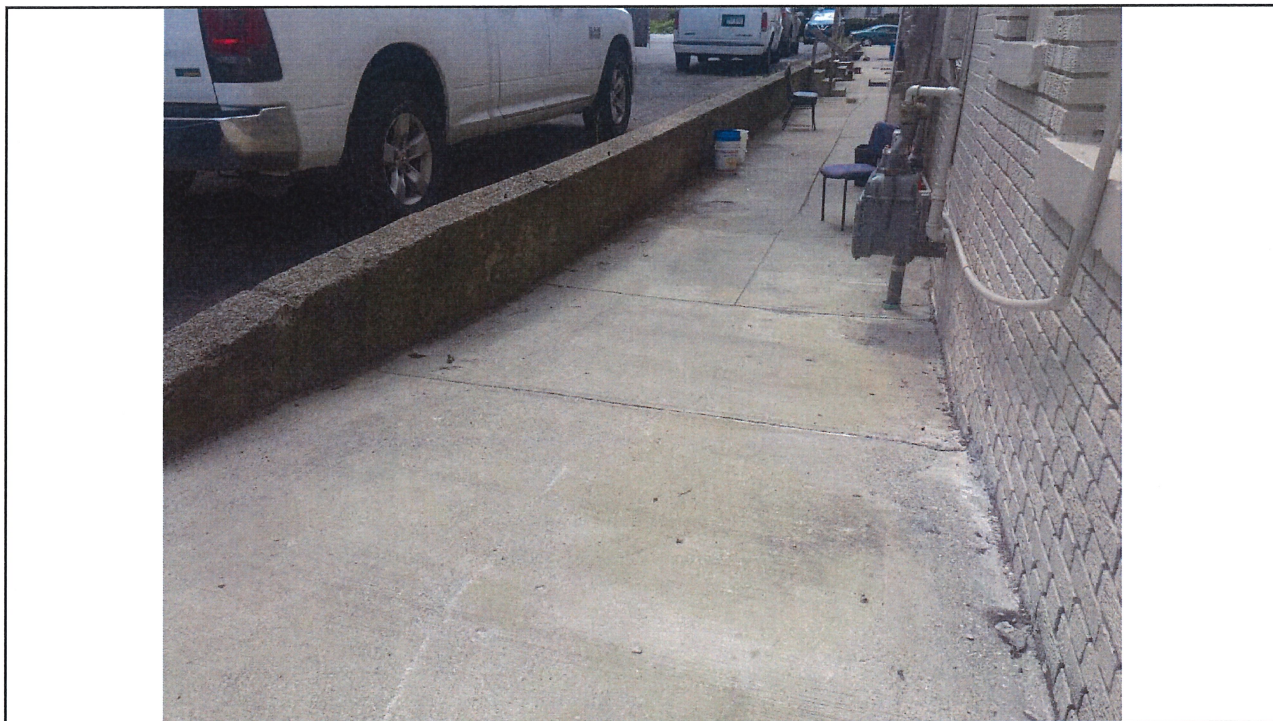
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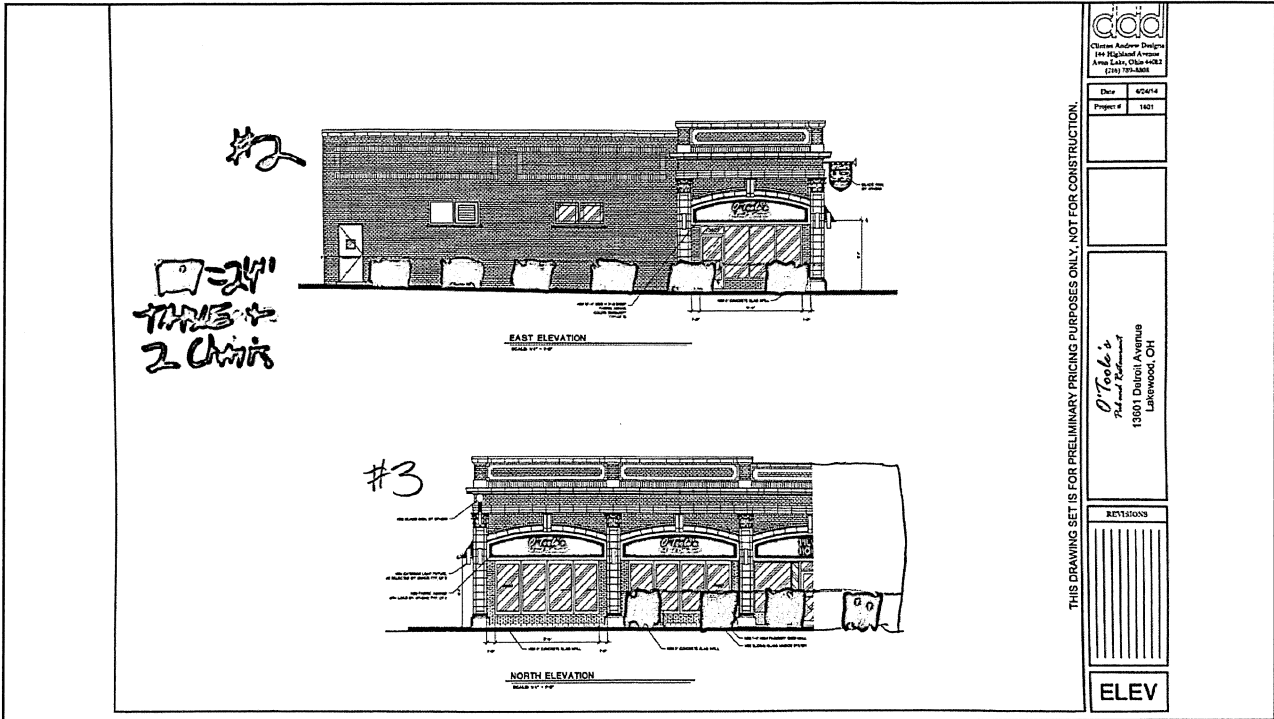
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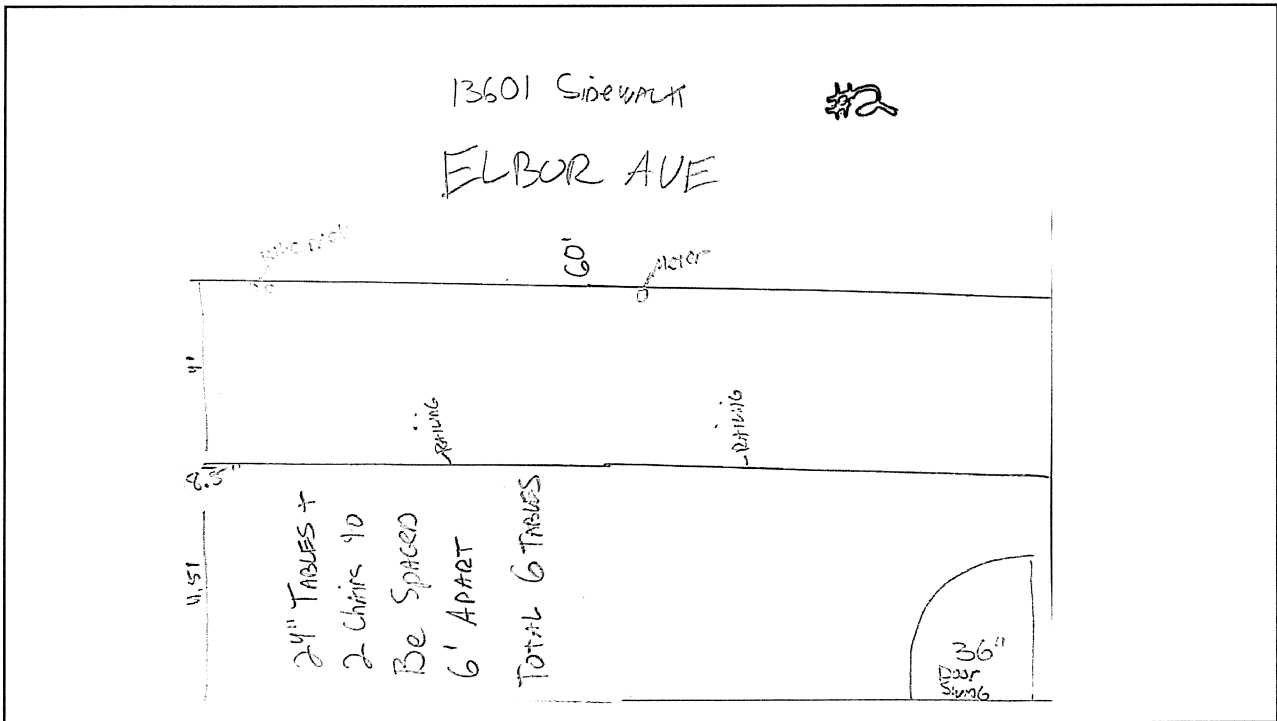
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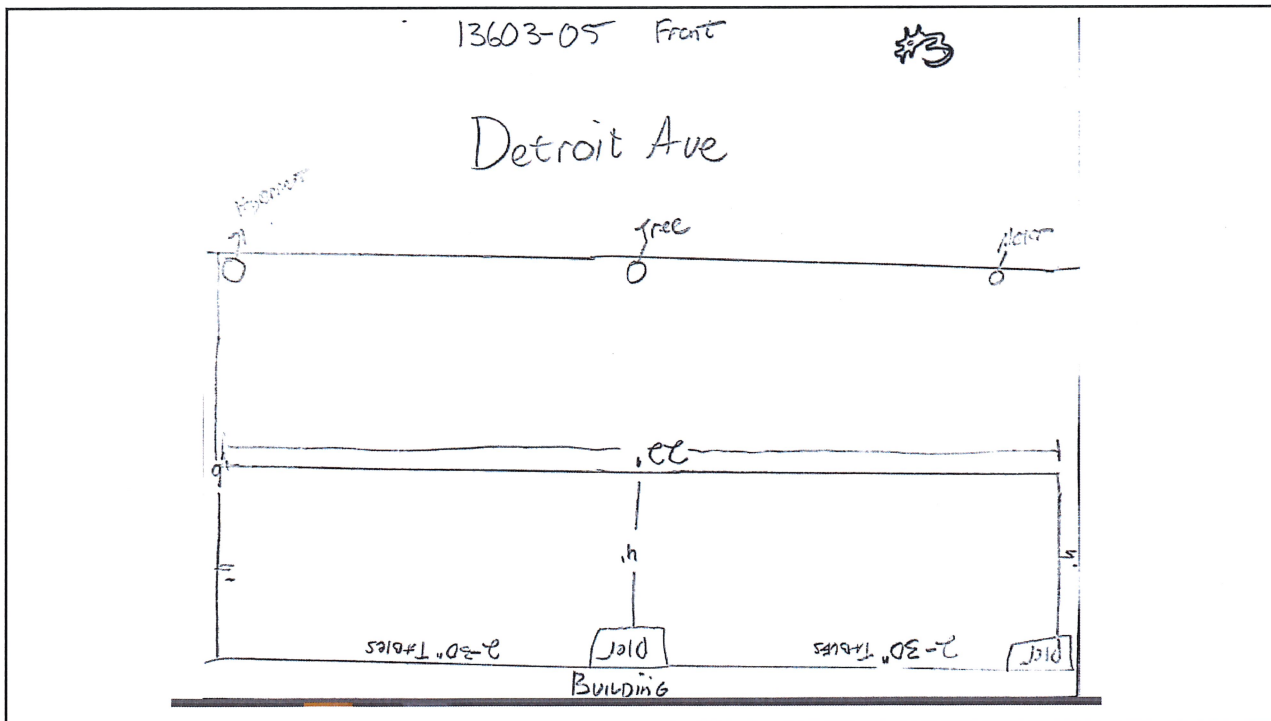
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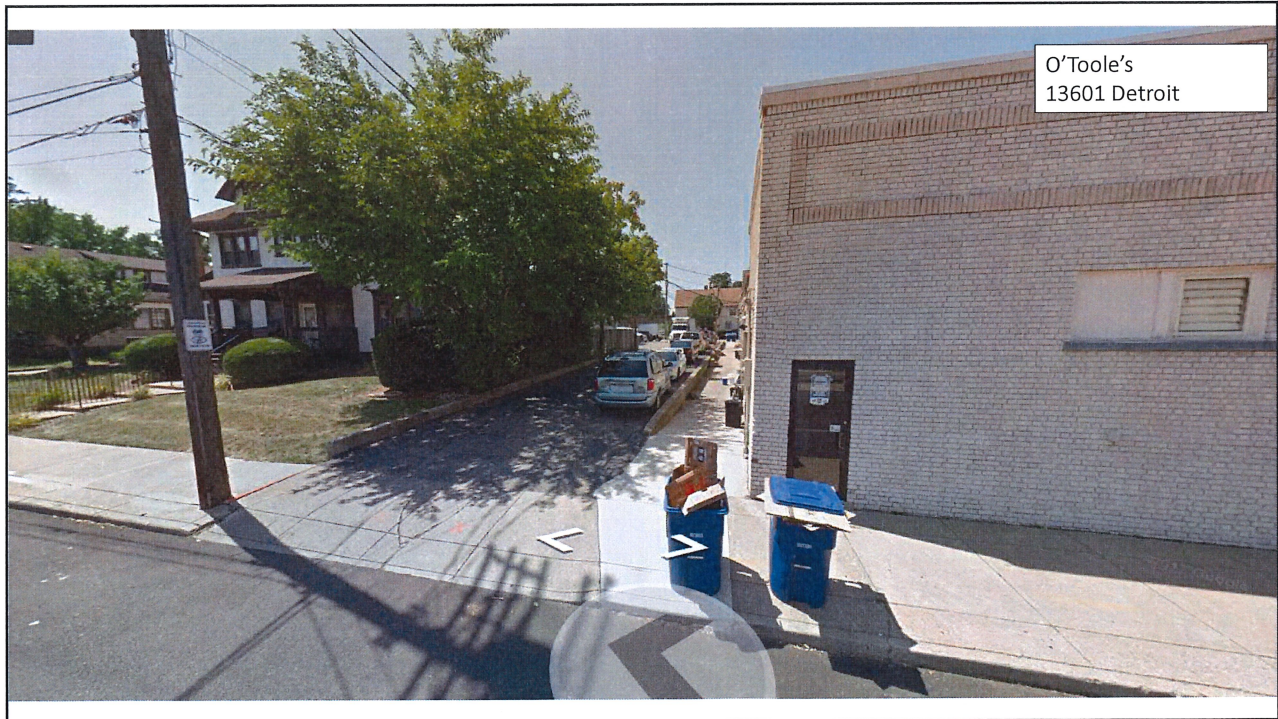
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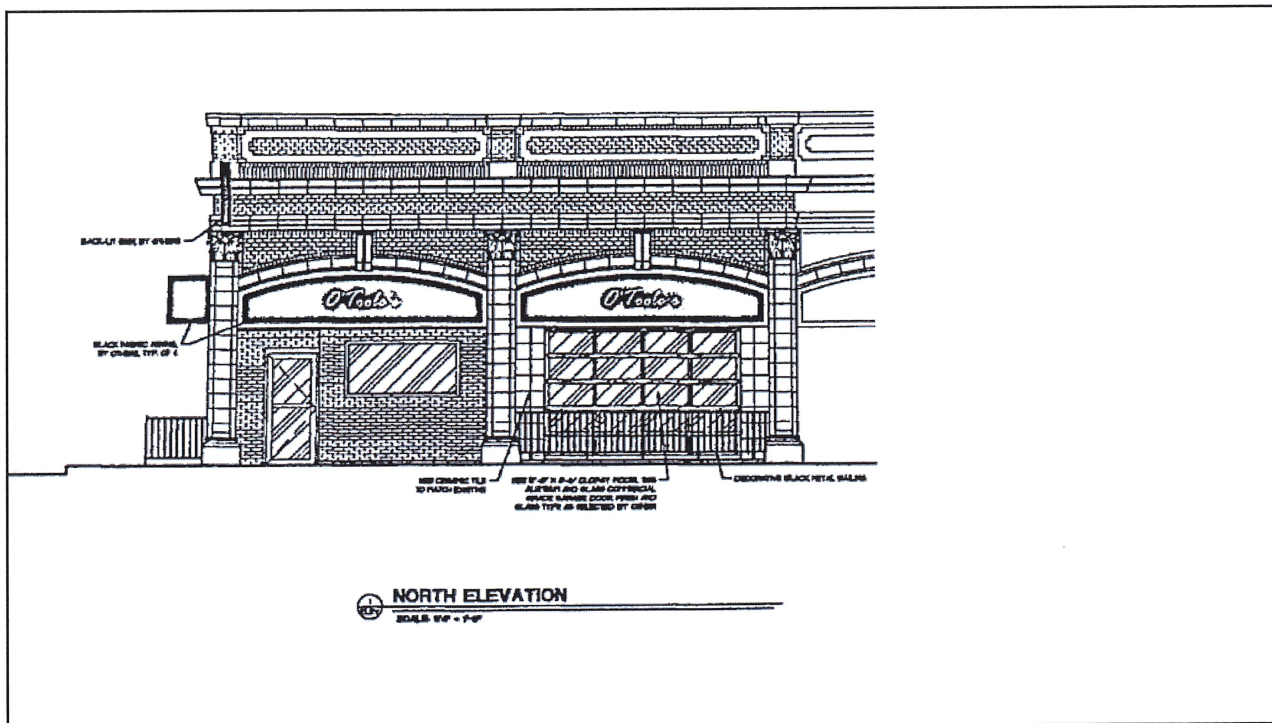
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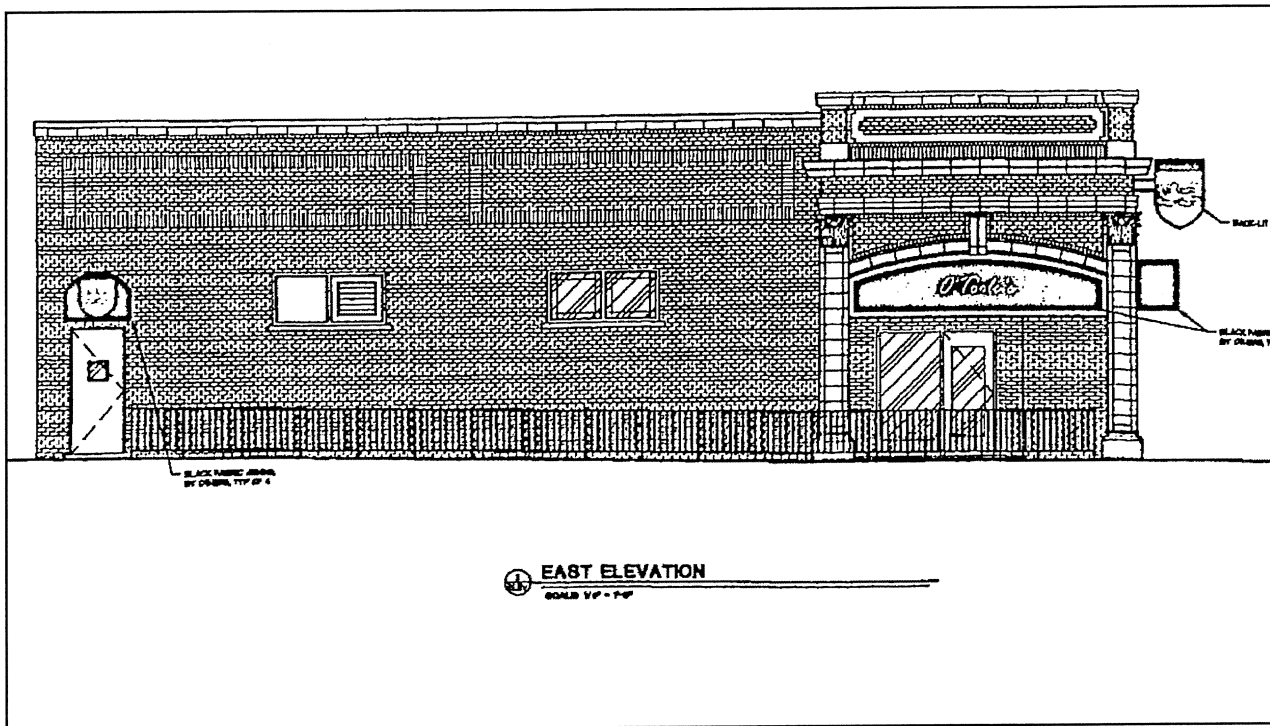
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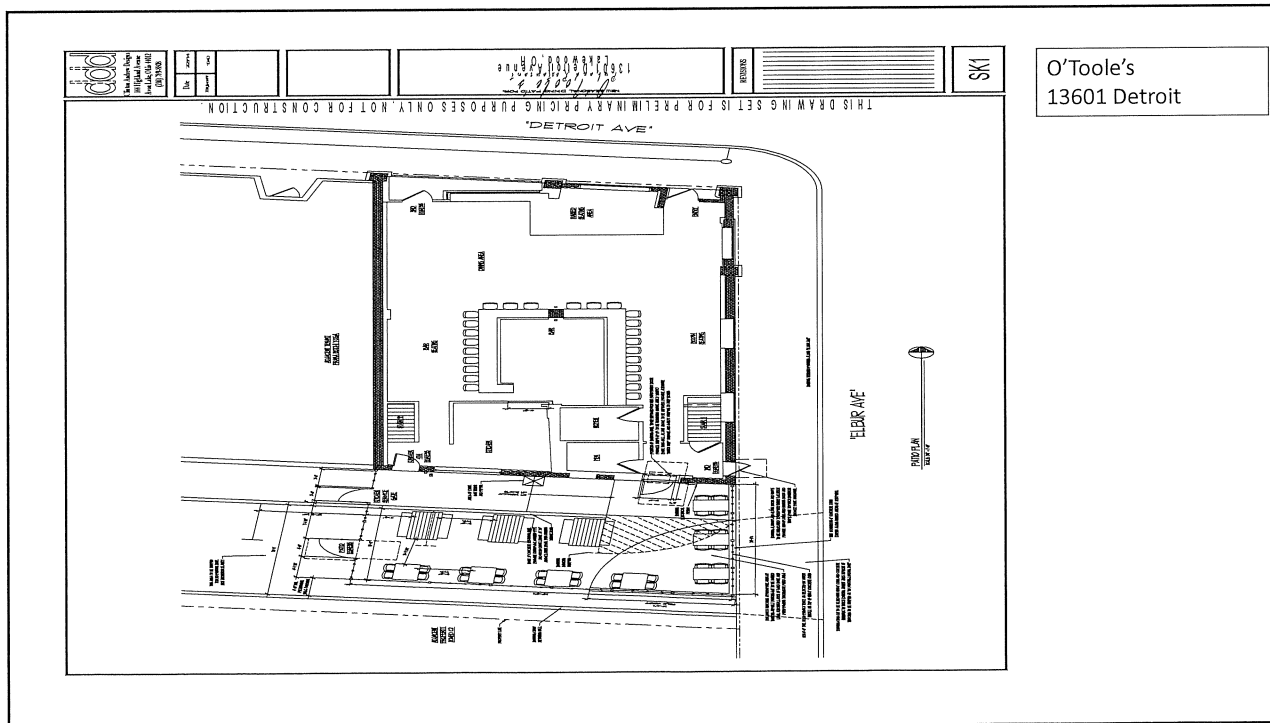
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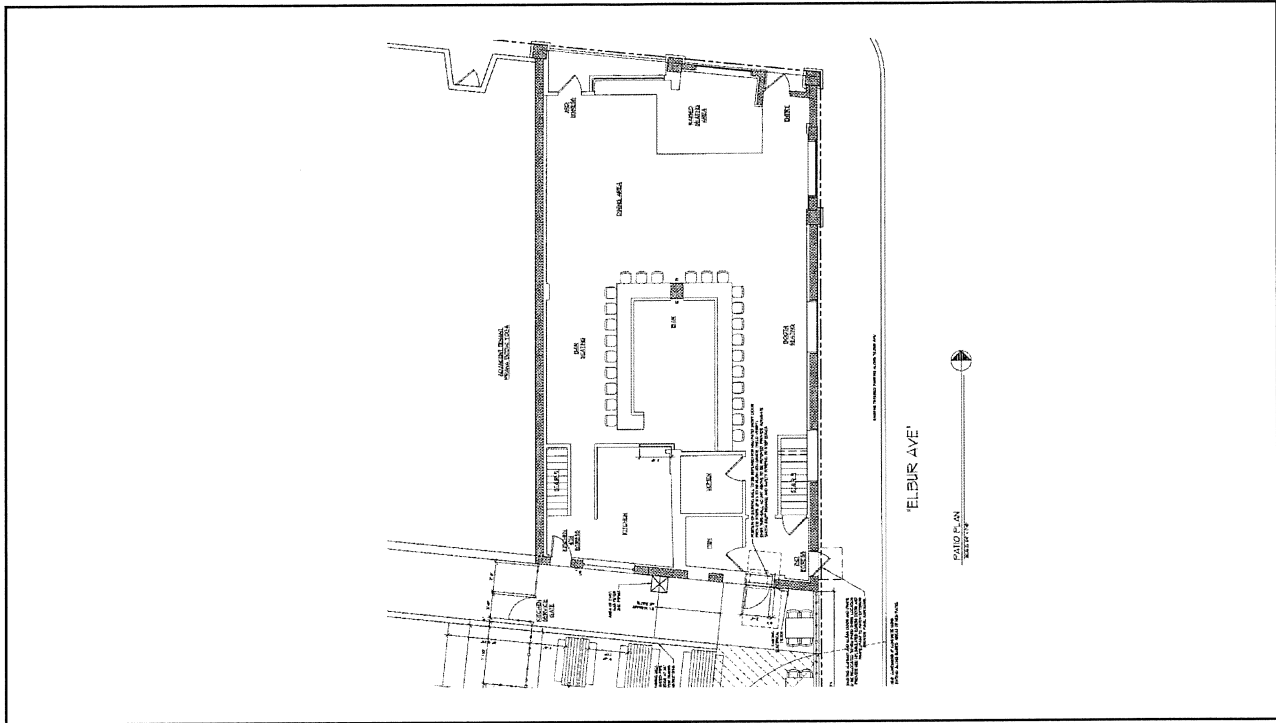
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The plan for dining in the rear of the building was approved for permanent outdoor dining in 2015, but never installed. **Any approval must be conditioned on receiving approvals from all safety forces**

Police & Fire: Be considerate of neighbors with noise. Is there a plan for managing. Pull complaint reports. If they reapply in the spring there is a review then of police complaints. Not able to review the changes until a scaled drawing is provided. Fire to review egress in rear.


- **PW/Engineering:** Safety forces needs to review scaled site plan.
- **Building/ADA:** Need a scaled drawing to review. Must show unobstructed path of egress.
- **Law:** PC could approve up to 30 seats additional temporary seats. This proposal exceeds allowable for temporary. Additional temp. seats that would expire in October 31, 2020.
- **ABR:** Require a scaled site plan showing changes to proposal based on initial feedback. Concerns about egress from lower level- provide service for all attached storefronts. Temp furniture must be brought in at night, proposal shows a lot of tables and chairs. **Recommendation to conditionally approve rear contingent on safety forces approval. Recommendation not to approve side patios on Elbur or front patio on Detroit at this time.**
- **Public Comment:** Abutting neighbor opposes the plan, letter on file from the Cuyahoga Department of Disabilities. The abutting property is a residential group home facility located in the C2 district and the neighbors are concerned about smoke and noise

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Public Comment



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1279 Lakeside Avenue East
Cleveland, Ohio 44116-1128
(216) 241-4530
Fax (216) 961-4385
www.CuyahogaCCDD.org

Sent U.S. Mail & E-Mail
October 23, 2015

Mr. Bryce Sylvester
Department of Planning & Development
12650 Detroit Avenue
Lakewood, OH 44107

Dear Mr. Sylvester,

On Friday, October 16, 2015, three representatives from the Cuyahoga County Board of Developmental Disabilities (CCBDD) met with Mr. Patrick O'Toole regarding his plans to develop a seasonal outdoor dining facility at O'Toole's Pub and Restaurant. It is my understanding such a meeting was suggested at the time this plan was under consideration at the October 1, 2015 Lakewood Planning Commission Meeting, Docket No. 10-35-15.

At this meeting, Mr. O'Toole and his wife graciously shared their outdoor dining facility plans with the CCBDD representatives. The plans shared included the following:

- An outdoor patio would be developed behind the pub/restaurant that would seat twenty-two people. Ingress and egress would be via the creation of a second door in the rear of the building.
- The patio area would include a standing smoking area that would accommodate twenty additional people. The standing area is directly behind the restaurant, close to the bar and in between the back of the building and the section of the patio with seating. Smoking would only be allowed in this area.
- The proposed closing time of the patio is 10 PM which is different from what the CCBDD understood. The CCBDD believed that it was initially suggested that the patio would close at 9 PM on the weekdays and 10 PM on the weekends.

Throughout the discussion, Mr. O'Toole and his wife demonstrated concern and sensitivity toward the abilities and needs of the individuals with developmental disabilities who reside in Elbur House. Such was demonstrated by their willingness to make the patio as least obtrusive to the residents as possible.

Despite the O'Toole's efforts to accommodate the needs of the residents, the CCBDD still has concerns with the project going forward as planned. The CCBDD concerns are as follows:

- The primary concern is the level of noise that the outdoor patio will create because it will only be approximately fourteen (14) feet from the north wall of Elbur House. The staff at Elbur House reports that the current noise level impacts

Mr. Bryce Sylvester 2 October 23, 2015

- the resident's enjoyment of using their living room and outdoor deck and their desire to open up side windows facing the north. Further they report that the restaurant's kitchen staff is oftentimes outside of the existing back kitchen door talking or yelling loudly. When this door is open the residents and staff can hear live music, trivia games, etc. A second door and patio area will increase the level of noise.
- Second hand smoke also remains a significant issue. As stated in the preceding paragraph, the close proximity of the new smoking area will impact the residents using their deck, living room and opening windows facing north.

The CCBDD representatives have considered various solutions to increase the privacy of the home and minimize the noise and smoke concerns. Among these considerations were to add fencing to the existing backyard fence and extending it forward towards the front of the house and frosting the north facing windows of the house. Unfortunately, none of these possible solutions will prevent or significantly decrease the noise and smoke emanating from the patio area.

Therefore, on behalf of the CCBDD, I respectfully request that the Lakewood Planning Commission consider the CCBDD concerns as they relate to the overall welfare/privacy/quiet enjoyment of the Elbur House residents when it makes its final decision regarding the addition of an outside patio area to O'Toole's Pub and Restaurant.

Finally, please let me know if you would like a representative(s) from the CCBDD to attend the next Planning Commission Meeting and feel free to contact me at (216) 736-4522 if you have any questions.


Sincerely,
Chuck Corea
Chuck Corea
CCBDD In-House Attorney

CC:Sal

cc: K. Petty, Superintendent
M. Barrie
L. Dalton
M. Rak
L. Pettigrew
P. O'Toole

LakewoodPingElburO'Toole

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Docket No. 06-25-20
17900 Detroit Avenue

TEMPORARY OUTDOOR DINING SIDE QUEST (WAYWARD WOLF LLC)

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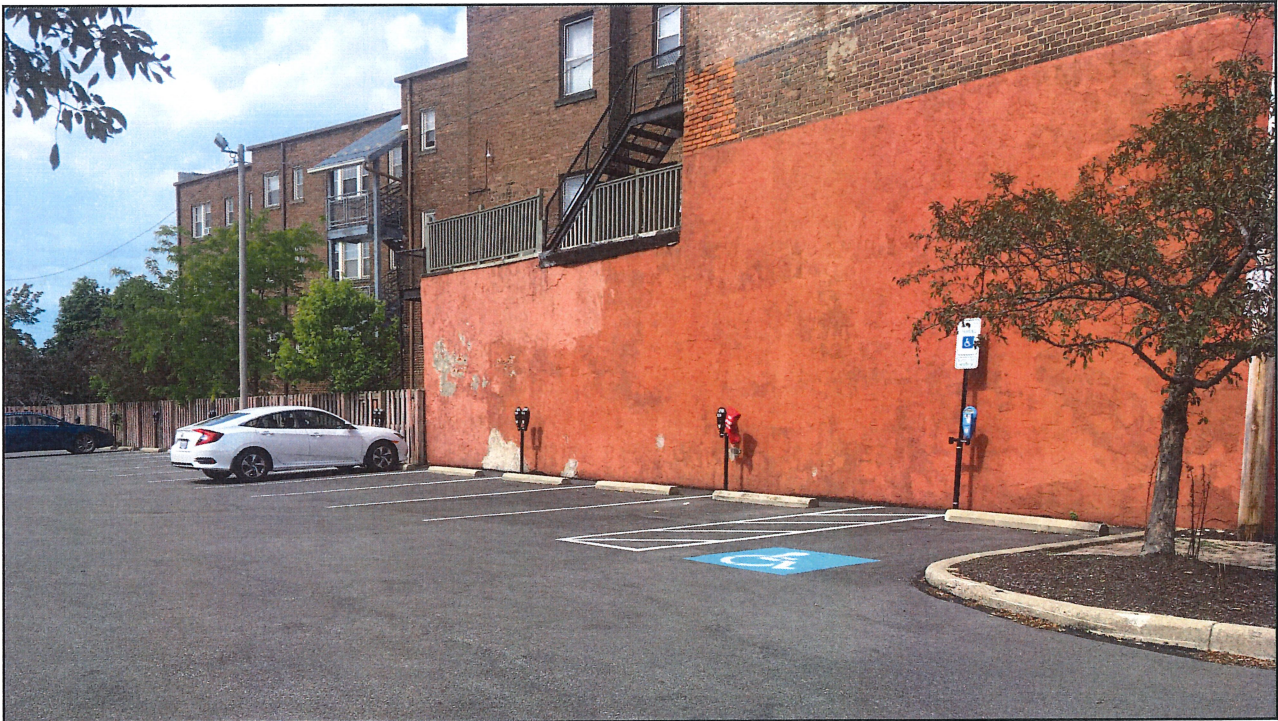
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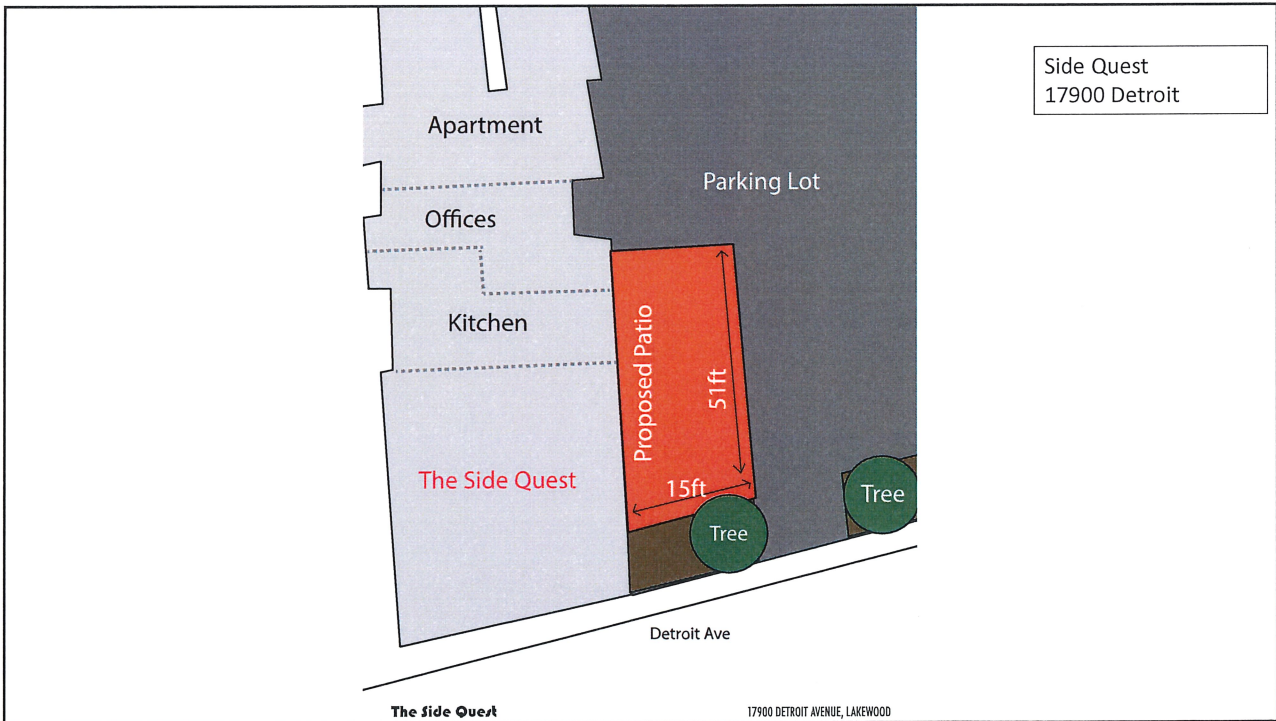
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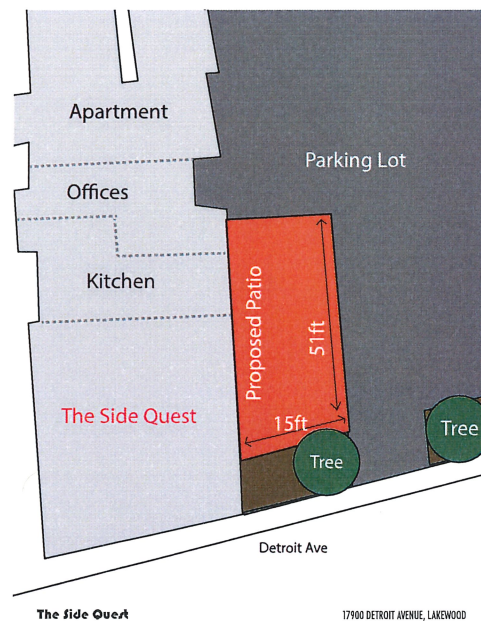
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Notes: Several letters of support received from neighbors. City parking spaces in this lot-can't put in the yard behind building- they have no access and it belongs to residential units in building.

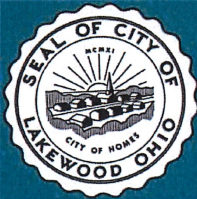
- **Police & Fire:** Need clear egress from each door to exit of the outdoor dining barriers. Full door swing must be unobstructed
- **PW/Engineering:** Proposed 21 ft is ok for drive lane, add reflective markers to the barricades
- **Building/ADA:** No lights for temporary Covid -19 dining.
- **Law: Owner to** Sign outdoor dining use of public property agreement for portion of property that is owned by the city.
- **ABR:** At this time applicant is only applying for the temporary expansion of outdoor dining. May be interested in re-applying for regular outdoor dining come spring.

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Public
Comment



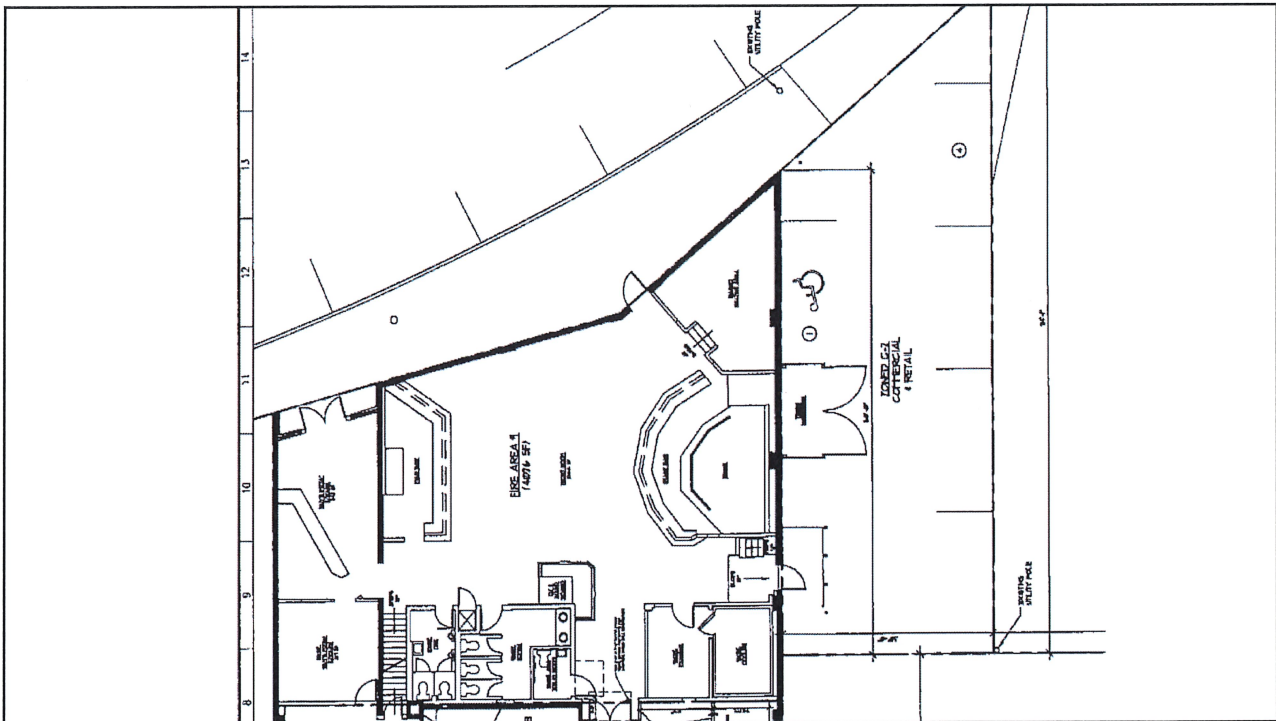
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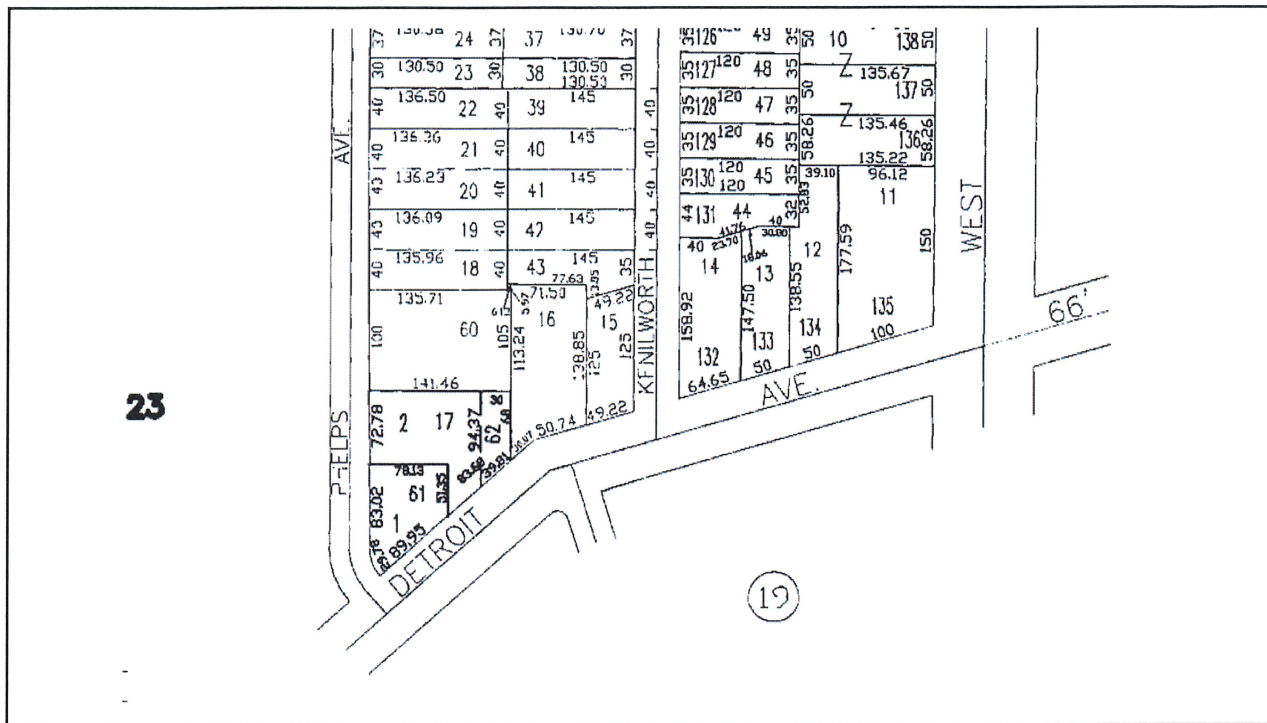
Docket No. 06-26-20
18206 Detroit Avenue

TEMPORARY OUTDOOR DINING AVENUE TAP HOUSE/OSCAR'S PIZZA

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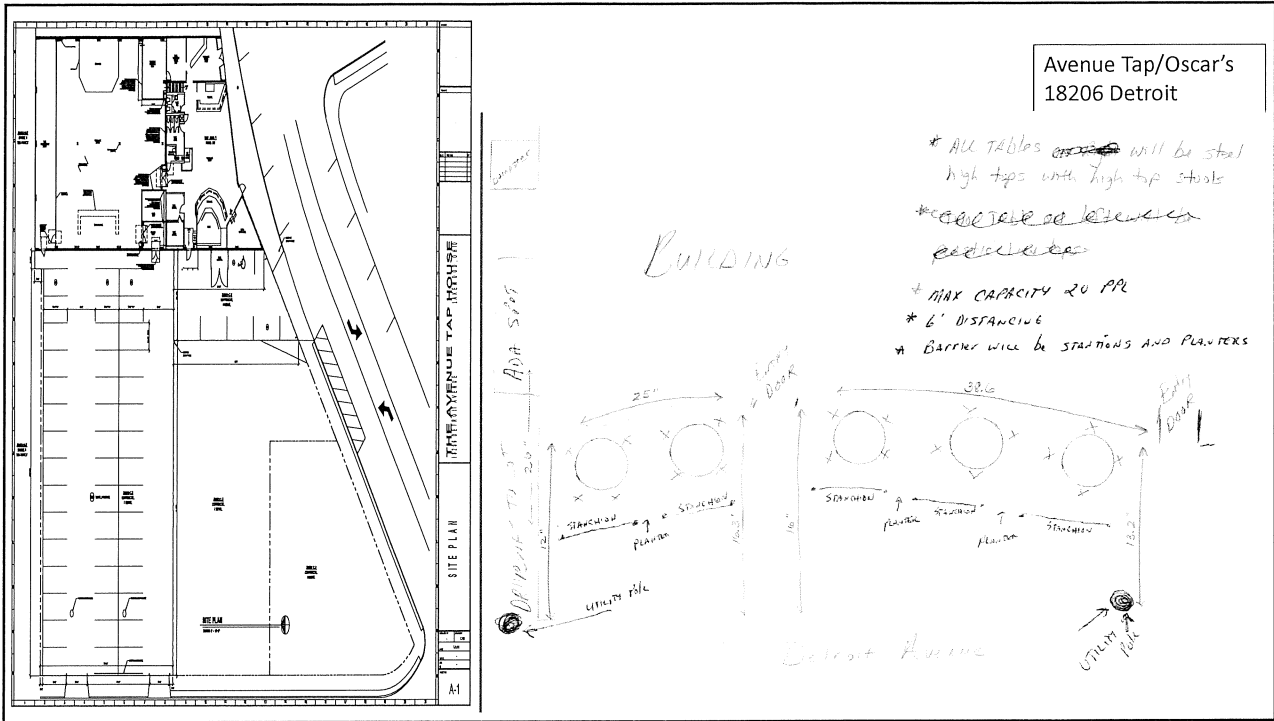
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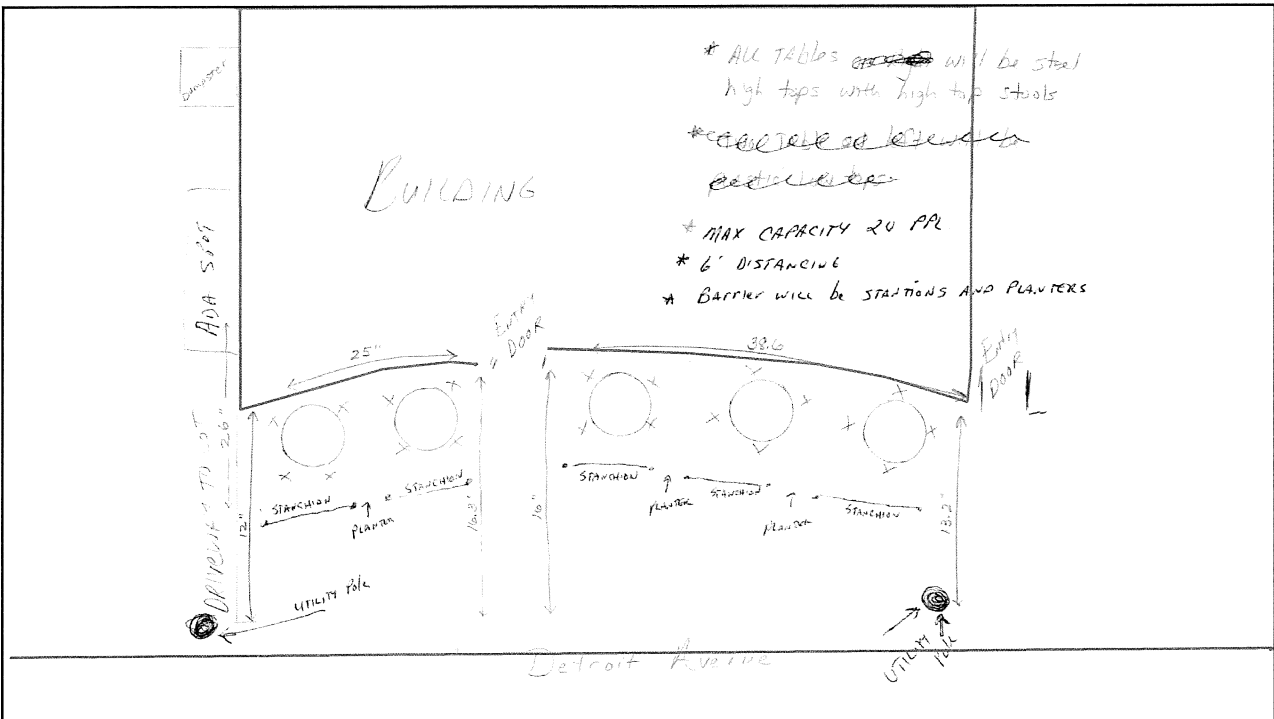
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Notes :


- **Police & Fire:** ok
- **PW/Engineering:** ok
- **Building/ADA:** Maintain the 3 foot egress on public walk at all times. Placement of stanchions and tables of 40 inches can not encroach. The doorswing of 36" may not be encroached on.

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The diagram is a hand-drawn floor plan of a building layout. It features a large rectangular area labeled 'BUILDING' at the top. Below this, there are two main sections. The left section is a smaller rectangle with a width of 26' and a height of 12'. It contains two circular tables, each with a diameter of 40". The right section is a larger rectangle with a width of 32' and a height of 12'. It contains four circular tables, each with a diameter of 40". The tables are arranged in two rows of two. The plan includes various annotations: 'STANCHION' and 'TABLE' labels with arrows pointing to specific locations. Dimensions are given for the tables (40" diameter) and the spacing between them (6" distance). A note at the bottom right says 'TABLES WILL BE STANCHIONS AND PARTERS'. Other notes include 'ALL TABLES ~~WILL~~ WILL BE STEEL HIGH TOPS WITH TYPICAL CHAIRS' and 'MAX CAPACITY 20 PER'. The plan also shows 'EXIT' signs and 'STAIR' locations. The overall layout is enclosed in a rectangular boundary with a '3' foot egress' note on the left side.

Public Comment

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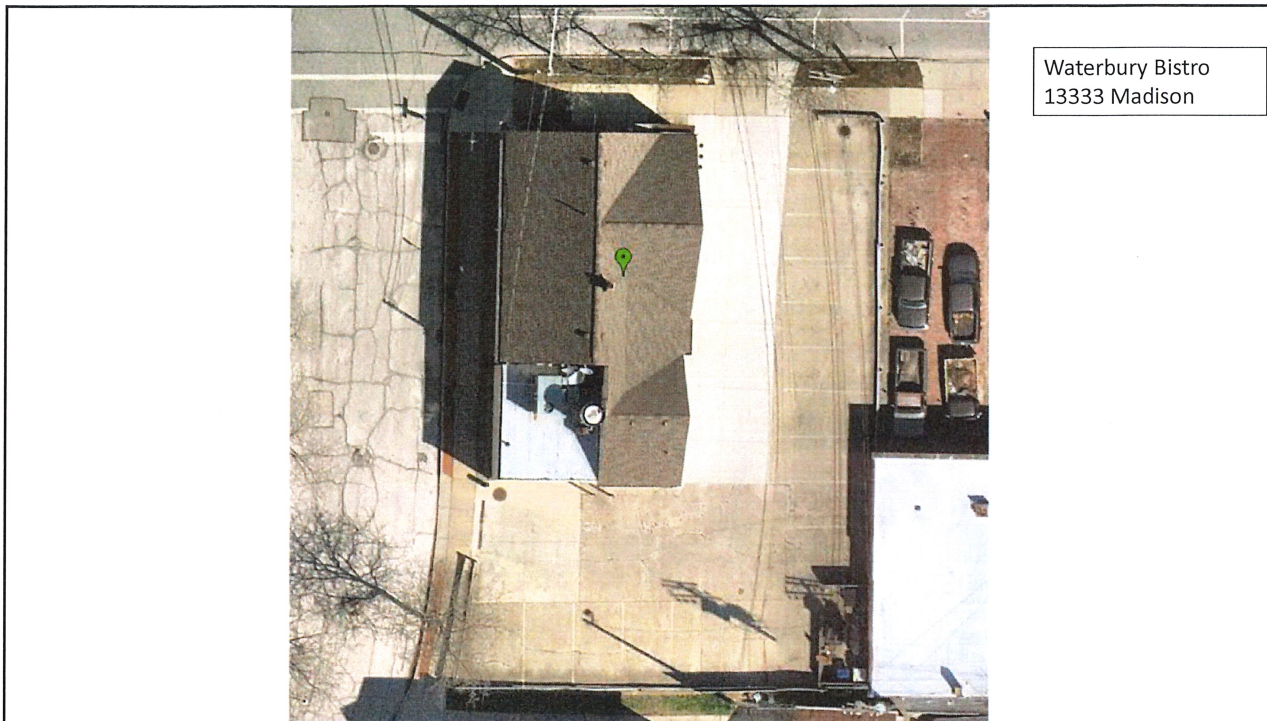
Docket No. 06-27-20
13333 Madison Avenue

TEMPORARY OUTDOOR DINING WATERBURY BISTRO LLC

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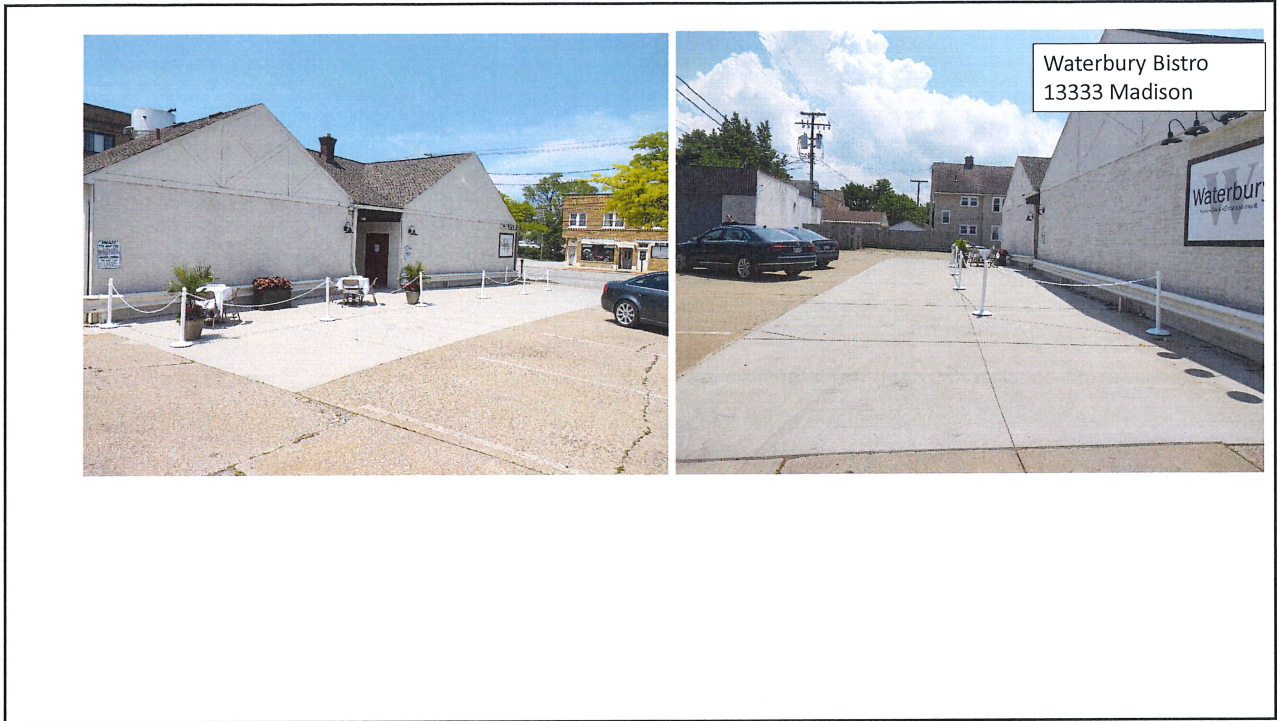
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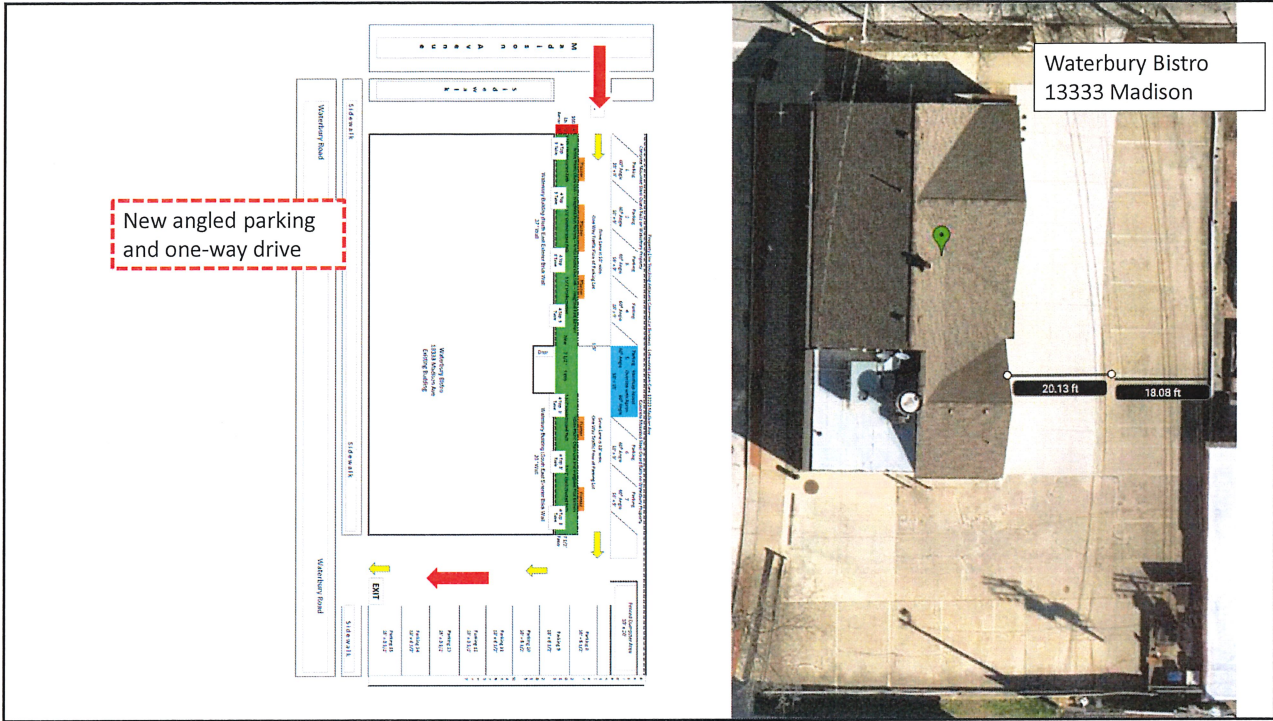
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Hi Michelle,

Please see attached Waterbury Temp Patio Plan Version #3. Also, I am sending two additional emails with 4 pictures in each. We staged the patio at one end to show you how the heavy box barrier and two larger planters would work on the new skinnier patio measuring 7 1/2' wide. I will buy more barriers, and plants and stripe the white stanchions with orange tape once I get final approval from City Lakewood for the temp patio.

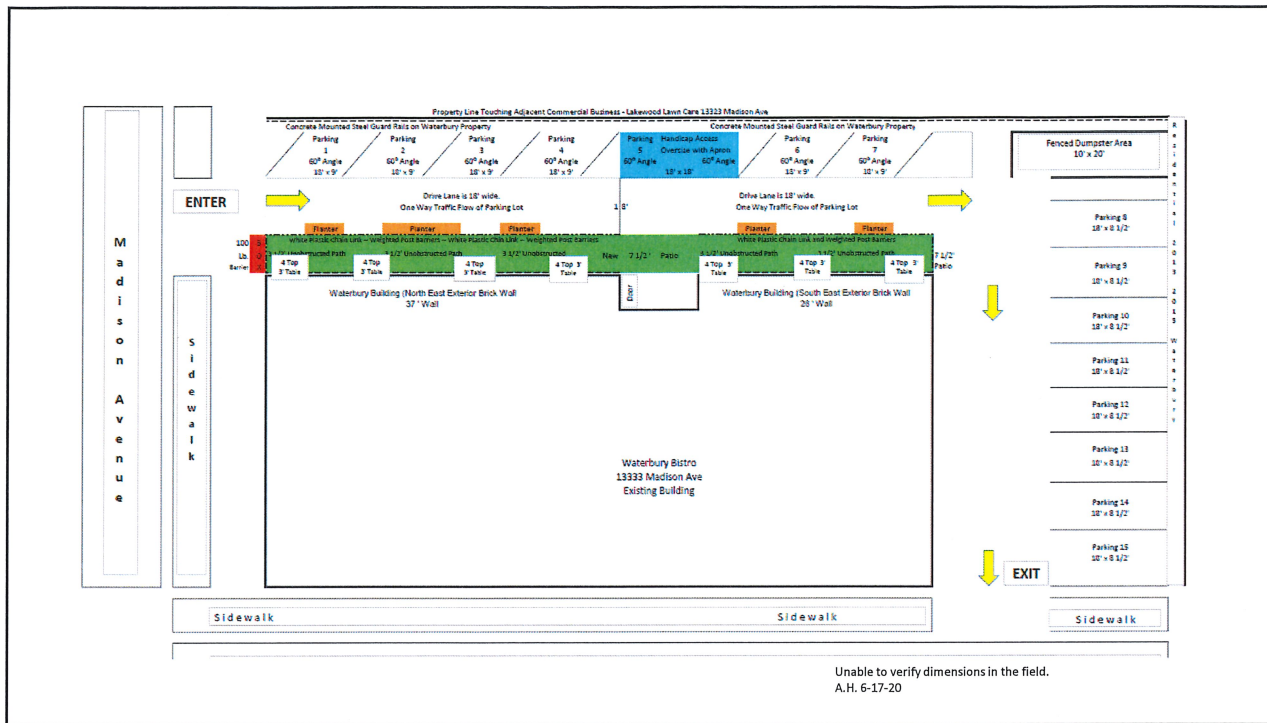
I made the following changes as shown on version #3 per your request:

1. Patio shrunk from the previous 11' wide to now 7 1/2" wide.
2. One way drive lane grew in size from the previous 14 1/2' to 18' wide.
3. One diagonal parking space was removed and we made a jumbo double size space for handicap access closest to the main entrance.
4. Large heavy box barrier planter was added at Madison Ave end
5. Large heavy outdoor planters added between each of the 8 stanchions to put more space and safety between patio patrons and cars moving on one way lane.
6. Orange reflective tape will be added to the stanchions once we have final city approval.
7. Additional outdoor planter will be added once we have final city approval.
8. Signage for new handicap parking double size space will be added once we have final city approval.

I am ready to implement all of your suggestions once we have the final city approval. I look forward to getting such approval during tomorrow's online meeting.

John Patrick
 Owner
 Waterbury Bistro
 8 Additional pictures coming in 2 additional emails.

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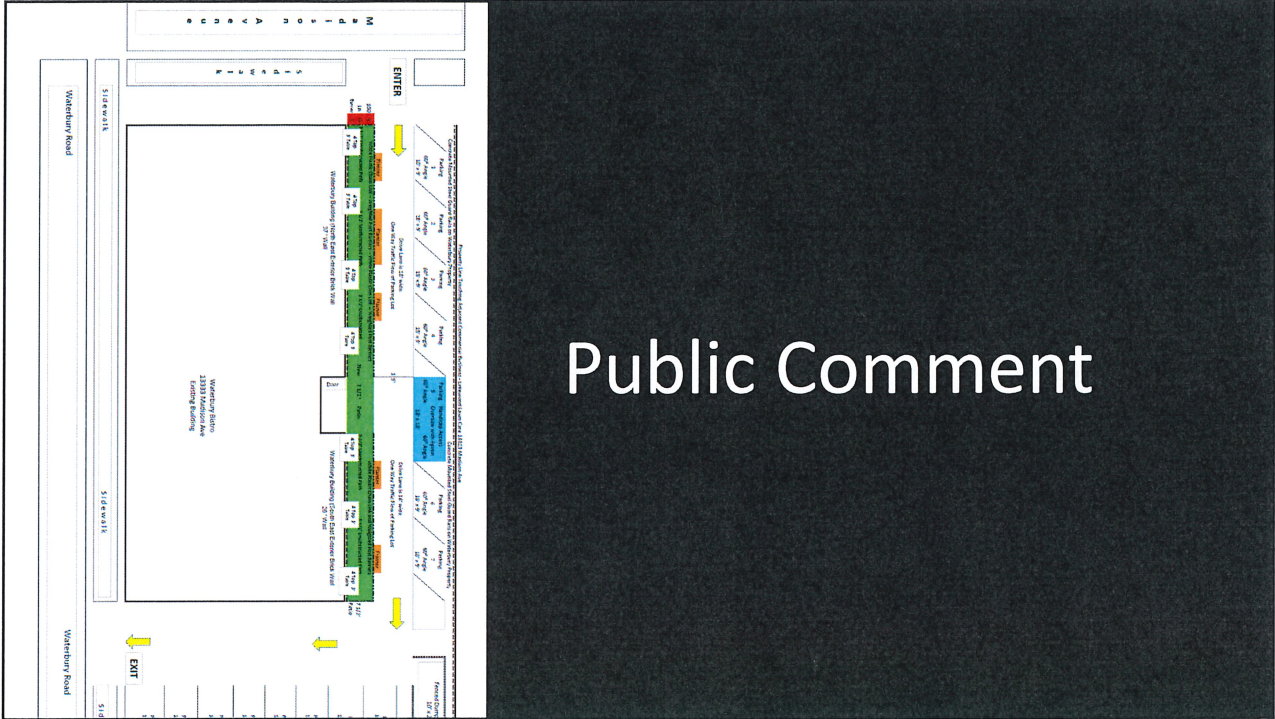
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- **Police & Fire:** Ok if meets Building/ABR. Water filled stanchion at entrance from Madison to shield dining area.
- **PW/Engineering:** Ok
- **Building/ABR/ADA:** Confirm drive aisle width and parking space, size, dimensions and angles as per Chapter 1325.
- Temporary **Covid -19** approval as proposed for the duration of the temporary period which expires after October 31, 2020. Owner to work with **ABR** and Building to submit a plan to correct the newly installed striping and ADA space to meets all dimensional requirements after October 31, 2020.

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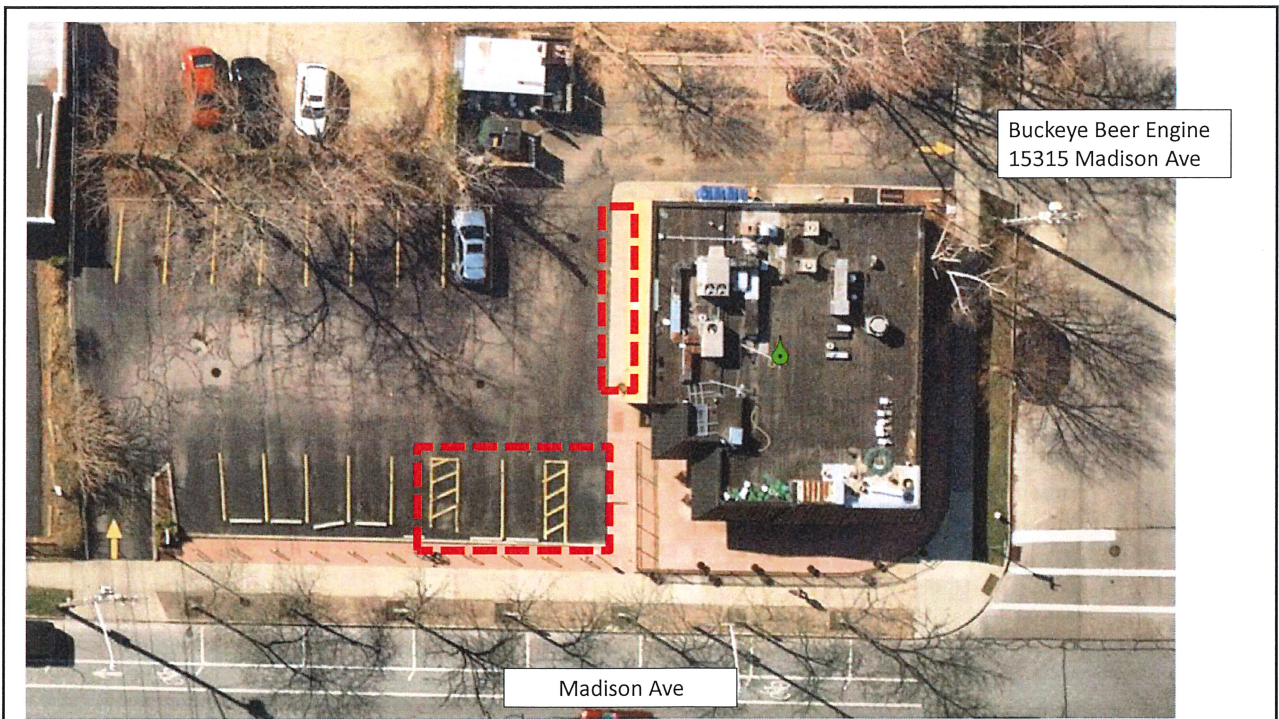
Docket No. 06-28-20 **Withdrawn by Applicant** -
 15315 Madison Avenue

TEMPORARY OUTDOOR DINING
BUCKEYE BEER ENGINE

98



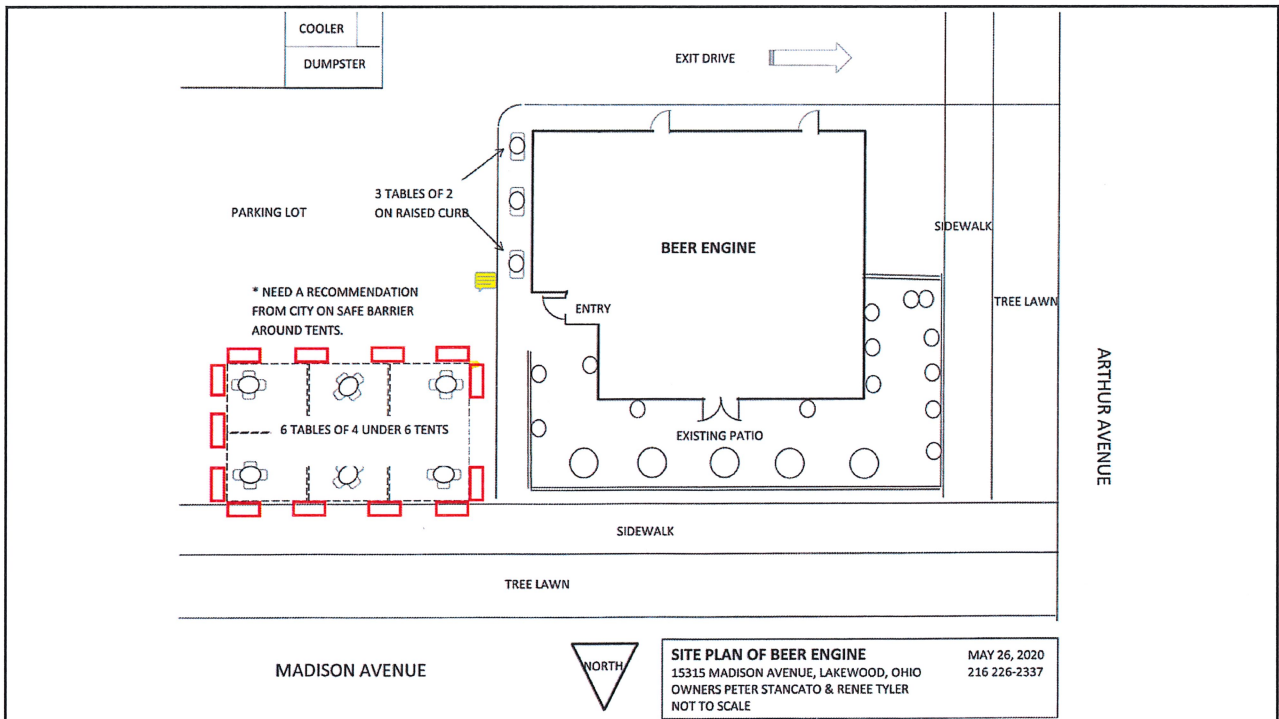
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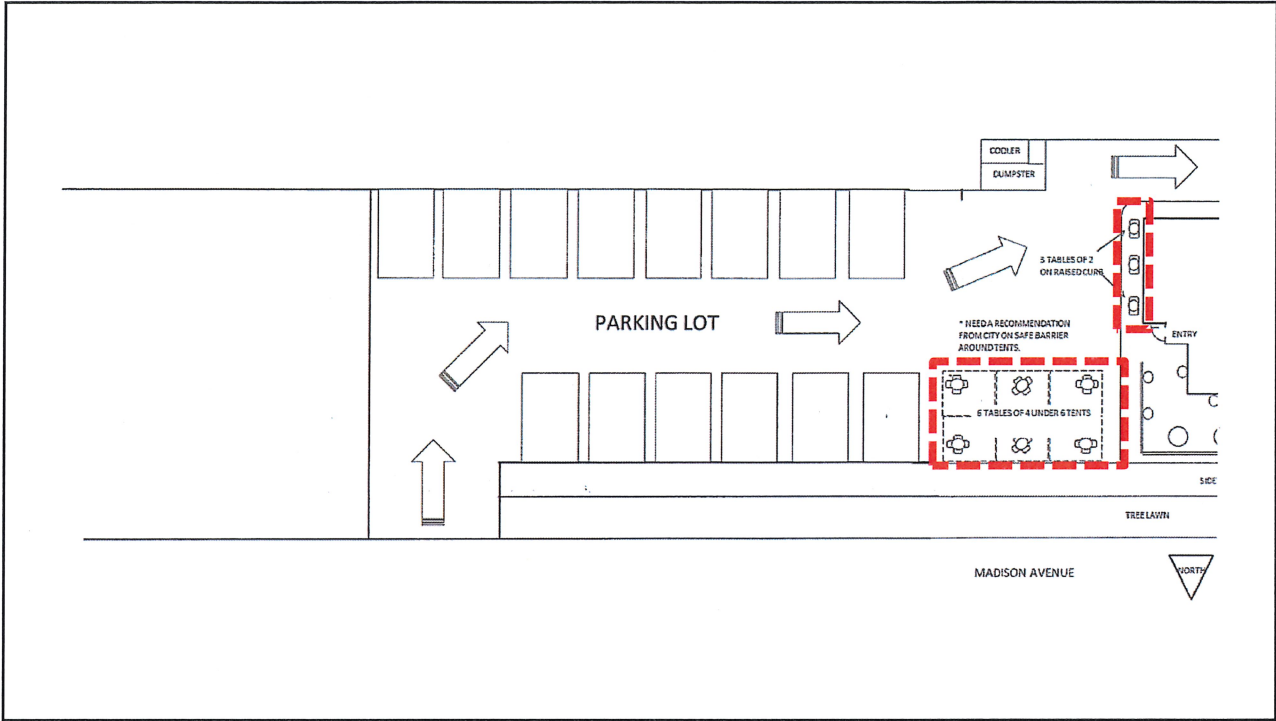
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Notes: Proposal is placed in the ADA space

- **Police & Fire:**
- **PW/Engineering:** Provide barrier for tables on curb, provide access drive of no less than 12 ft. , no parking in spot closest to dumpster.
- **Building/ADA:** Tents typically not approved by ABR, and would require building review- suggest umbrellas. Where is the ADA parking to be re-located ?must be closest to the accessible entrance
- **ABR:** Approve, pending approval of location; recommend umbrellas instead of tents; reflectors on planters; recommend a barrier at both locations

106


LBM Sidewalk Seating Proposal:

- 6x 2' Square Patio Tables
- 12x Patio Chairs
- 38"H x 66"L Patio Barriers

Configuration will take up approximately 4' of sidewalk space leaving 3' for pedestrian traffic.

Tables will be set 6' apart back to back for social distancing.

Tables and barriers will be tight against the building along Madison Ave and small part of Lark St.



LBM
12301 Madison

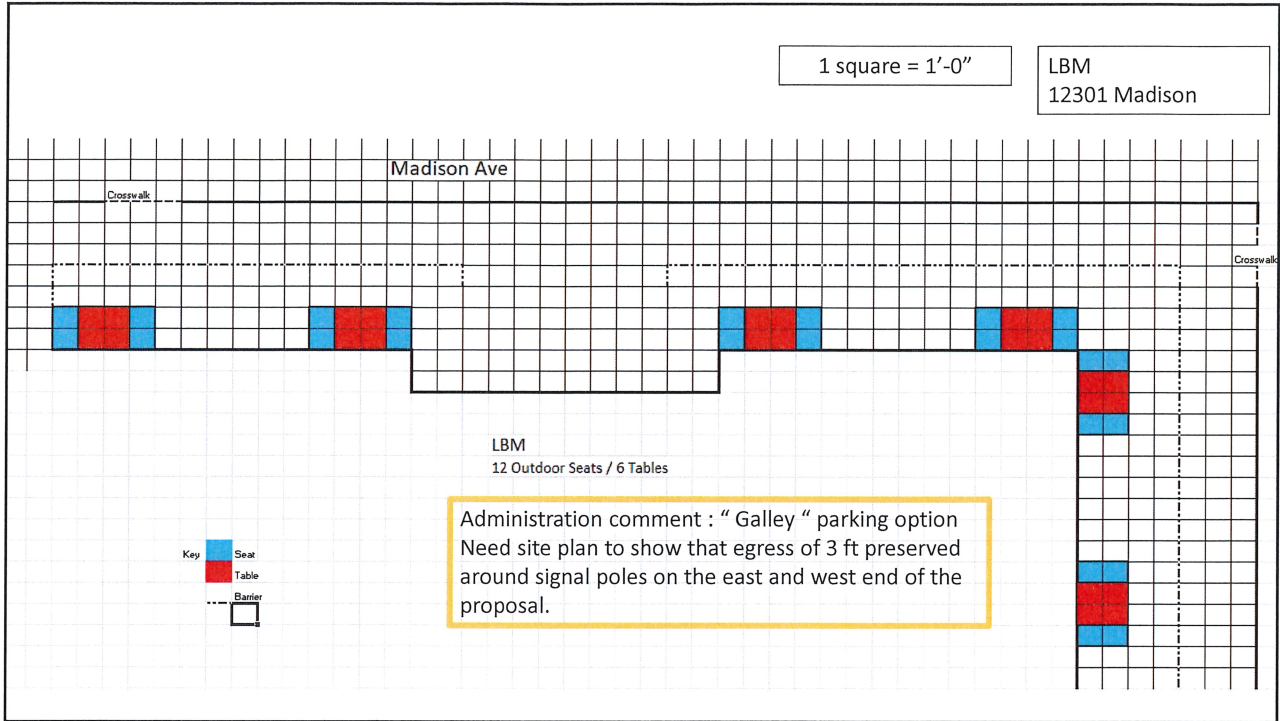
107



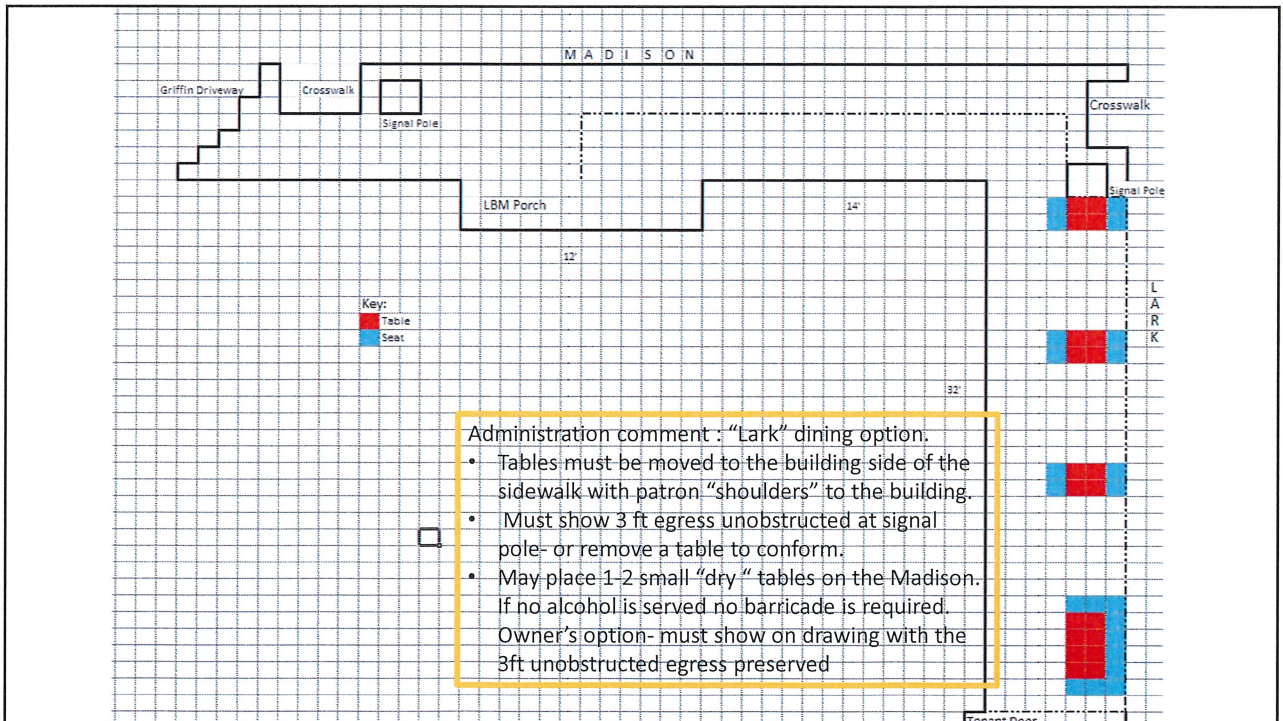
LBM
12301 Madison

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Notes :

- **Police & Fire:** OK with Galley or Lark proposal , if they show compliance with the 3ft.
- **PW/Engineering:** We can remove bike parking temporarily
- **Building/ADA:** 3 feet is enough to meet code requirements, as long as there are other wider intervals to allow for passing. Show on site plan where the utility poles are.
- **ABR:** Approve, pending approval of location; confirm barrier

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Planning Commission
June 18, 2020

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