

**MINUTES
PLANNING COMMISSION
CITY OF LAKEWOOD
12650 DETROIT AVENUE
AUDITORIUM
AUGUST 3, 2023
6:30 P.M.
RECORDED
<https://www.lakewoodoh.gov/videos-2/>**

The meeting was called to order at 6:30 p.m.

1. ROLL CALL

Members Present

Kyle Krewson, Chair
Nicholas LaPointe
Sean McDermott, Vice Chair
Kyle Reisz
William Sanderson

Staff Present

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

2. APPROVE THE MINUTES OF THE JULY 6, 2023 MEETING

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

3. OPENING REMARKS

Mr. Krewson dispensed with the reading of the Opening Remarks as there was no member of the public in attendance.

NEW BUSINESS

CONDITIONAL USE

**4. Docket No. 08-16-23
17017 Madison Ave., Simply Sugar & Skincare**

Kaleigh Maglionico, Simply Sugar & Skincare, applicant requests the review and approval for a conditional use permit to operate a cosmetology business in a C-1 District, pursuant to Section 1129.02(b) and (d) Commercial Districts and Section 1161.02 Conditional Uses. Property is in a C1 – Commercial, Office District. (Page 2)

Kaleigh Maglionico, Simply Sugar & Skincare was present to explain the request. Staff presented administrative comments and recommended approval of the request. The members asked about the number of business days and hours of operation.

A motion was made by Mr. LaPointe, seconded by Mr. Reisz to **APPROVE** the request as presented.

OLD BUSINESS

ORDINANCE AMENDMENT

5. Docket No. 05-11-23

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

Administrative staff will present the proposed amendments. On March 20, 2023, City Council referred Ordinance No. 07-2023 and the associated communication to the Housing, Planning, and Development Committee and the Planning Commission for deliberation and recommendation. (Page 37)

Staff presented a summary of the July meeting, as well as additional follow-up information for the current meeting (made part of record); next presented was an outline of the revised ADU Amendments: section 1103.02(c), section 1133.06, sections 1123.04 and 1161.03(bb), section 1103.02(tt), and sections 1121.09 and 1123.09.

Each part of sections 1123.04 and 1161.03(bb) was noted and discussed. Regarding conditional use, would a new application be required annually, automatic renewal each year, would it remain in place until there is a new owner? Staff said that was yet to be determined. Any proposal would have to be reviewed by the Architectural Board of Review ("ABR"). Discussion continued about lot coverage. Staff emphasized that an ADU could only occur for an owner-occupied, single-family structure. The members then asked about enforcement, effect on potential new homeowners, and location of the ADU. Corner lots and homes set further back from property lines needed additional consideration. There should be one designated off-street parking spot per ADU. Primary structure square footage was discussed as well of height restriction. Staff said the amendments would be refined prior to approval and submission to city council for adoption. Language and short-term rentals were discussed. The members supported the direction the city had taken and lauded staff for their in-depth research. Rear yard setback for ADUs was clarified.

Next presented were sections 1103.02(tt), 1121.09, and 1123.09; all pertaining to Lot Coverage. Using Near Maps, individual properties were analyzed as examples of the proposal. If a driveway were removed, what would be the requirements for replacing it? The members thanked staff for simplifying and clarifying the language. Staff recommended a deferral.

A motion was made by Mr. McDermott, seconded by Mr. LaPointe to **DEFER** the request to the next meeting and express their gratitude for the amount of work put into it. All the members voted yea; the motion passed.

ADDITIONAL ADMINISTRATIVE ITEM:

6. Request to select one Commission member to serve on Residential Standards Working Group.

This item was from the July 6, 2023 meeting. During the pre-review meeting, it was announced that Kyle Krewson would be the Commission member to serve on the Residential Standards Working Group.

ADJOURN

A motion was made by Mr. Krewson, seconded by Mr. Reisz to **ADJOURN** the meeting at 7:56 p.m. All the members voted yea; the motion passed.



Signature



Date



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. Kathryn Maglionico

Kathryn Maglionico

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: Thursday, August 3, 2023



Planning Commission

August 3, 2023



Agenda

1. Roll Call
2. Adoption of Minutes – July 6, 2023
3. Opening Remarks
4. Conditional Use Permit: 17017 Madison – Simply Sugar & Skincare
5. Zoning Code Amendment: Ordinance 07-2023 – Additional Dwellings & Lot Coverage
6. Adjourn





Docket No. 08-16-23
17017 Madison Avenue

CONDITIONAL USE SIMPLY SUGAR & SKINCARE



Request

The review and approval to operate a cosmetology business, pursuant to Section 1129.02(b) and (d) – Commercial Districts and Section 1161.02 – Conditional Uses. Property is in a C1, Commercial – Office District.

17017 Madison Avenue

Madison Avenue

McKinley Avenue

Atkins Avenue



17017 Madison Avenue





Interior Photos

Applicant Statement
17017 Madison Avenue
Conditional Use Permit – Cosmetology

I intend on using the building for my currently established sugaring business. We are currently looking to expand and have outgrown our current lakewood space. We only have 2 rooms to work out of currently. This space would allow us 4 treatment rooms. The Rooms are rather simple, we need the space for a massage bed and an outlet to plug the sugar warmers in. 17017 Madison Ave would offer us all the needs to perform our services. Simply Sugar currently consists of 4 employees, myself included. Having this larger space would allow my employees to have more availability, increasing business. Sugaring is a natural alternative to waxing. I have been in the industry for about 8 years. I branched off on my own about 5 years ago. I decided to expand and wanted to root in lakewood. Two years ago I purchased a home here in Lakewood and wouldn't want to expand my business anywhere else.

Here is a sample week showing the number of clients per day.

07/10 21 clients
07/11 23 clients
07/12 25 clients
07/13 32 clients
07/14 30 clients
07/15 21 clients

We currently have 2 clients being treated at one time, with the move and expansion of space we would be able to sugar 4 clients at a time.

Applicant Statement

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.

Recommendation

City Staff have determined the requirements for approval of a cosmetology use, pursuant to Section 1129.02(b) and (d) – Commercial Districts and Section 1161.02 – Conditional Uses, have been met and recommend approval as presented.



Docket No. 05-11-23

Ordinance 07-2023

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

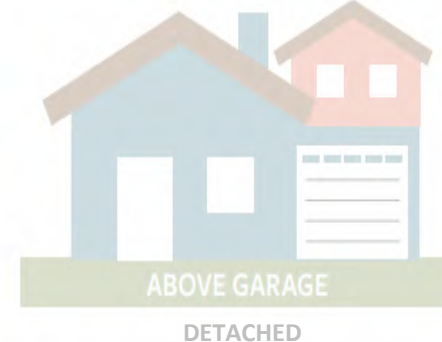
Request

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

Priorities of Proposed Legislation

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

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



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

Repeal Section 1133.06

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

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

is hereby repealed.

Amend Sections 1121.09(a) and 1123.09(a)

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

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

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

are hereby repealed.

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

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

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

Summary of July Planning Commission Meeting

1. Conversion of existing single-family homes is not supported.
2. Consider attached / detached accessory dwellings and over garage / accessory structure improvements.
3. Support increase in principal structure lot coverage.
4. Consider maximum lot coverage that limits ability to create 100% impervious lot.
5. Provide the following data:
 - a) Owner occupancy census data by year for the past 10 years.
 - b) Of the 6,000 single-family homes in an R-2, how many are rental properties.
 - c) Filter the search by removing apartment buildings from the structures to obtain a more accurate unit count.

Follow-Up from July Planning Commission Meeting

5. Provide the following data:

- a) Owner occupancy census data by year for the past 10 years.
- b) Of the 6,000 single-family homes in an R-2, how many are rental properties.
- c) Filter the search by removing apartment buildings from the structures to obtain a more accurate unit count.

Label	Occupancy in Lakewood													
	2000*		2010		2015		2021		Change from 2010-2015		Change from 2015-2021		Change from 2010-2021	
	Number	% of Total	Number	% of Total	Number	% of Total	Number	% of Total	Number	% Change	Number	% Change	Number	% Change
Owner-Occupied Housing Units	8,781	32.9%	10,861	43.8%	10,855	44.2%	11,532	43.9%	-6	0%	677	6%	671	6%
Renter-Occupied Housing Units	14,642	54.9%	13,939	56%	13,679	55.8%	14,742	56.1%	-260	-2%	1,063	8%	803	6%
Total Occupied Housing Units	26,693		24,800		24,534		26,274		-266	-1%	1,740	7%	1,474	6%

*3,270 units unspecified as owner or renter occupied in 2000 Decennial Census

Source: U.S. Census Bureau, 5 Year ACS Data 2010, 2015, 2021: Table DP04 and DEC 2000: Table DP4

Residential Dwelling Types in R-2 Zoning District



Legend

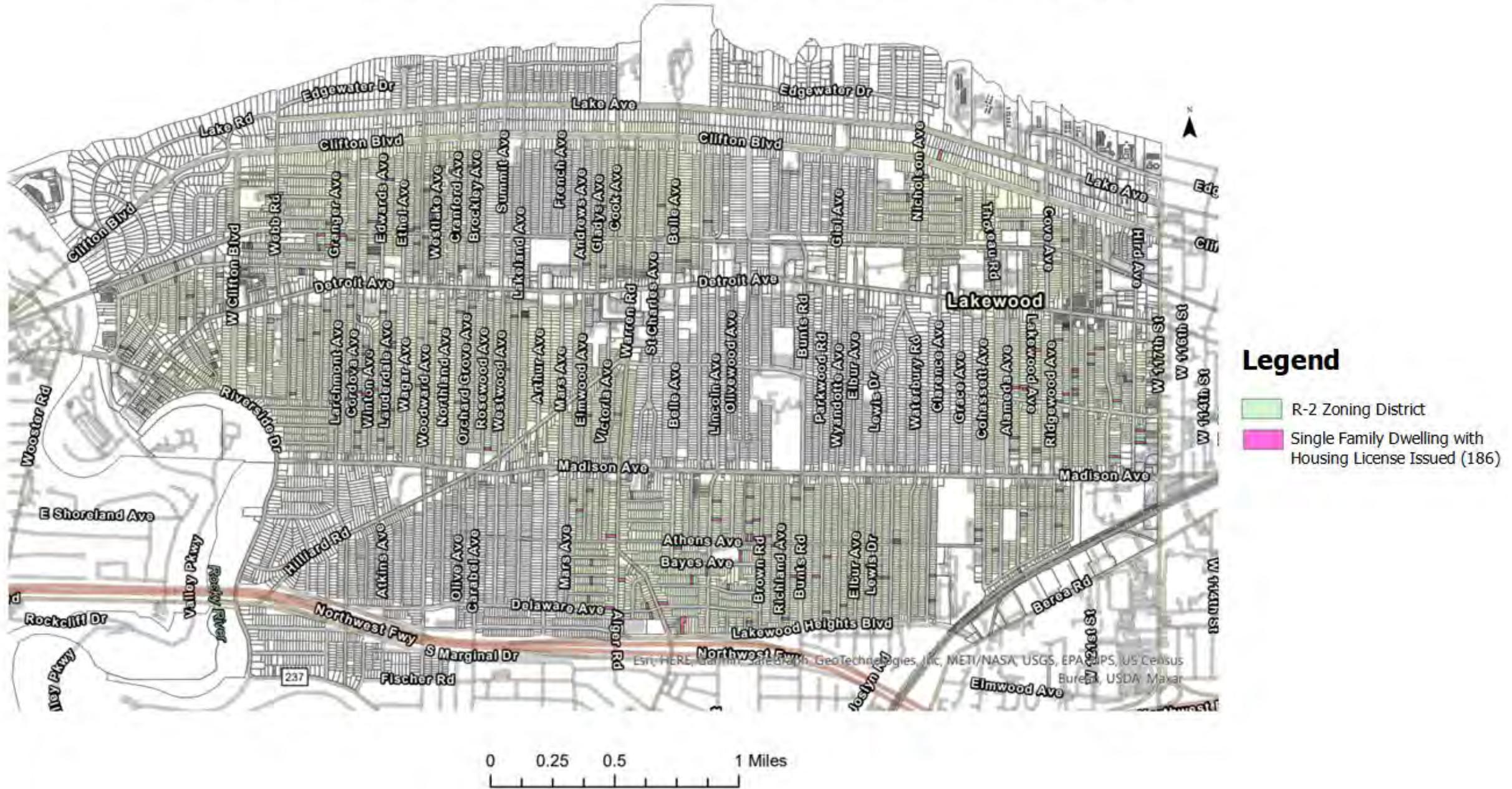
Residential Dwelling Types

- 1-Family Lot
- 2-Family Lot
- 3-Family Lot
- 4+ Family Lot

Lot Count by Dwelling Type

1-Family	4,933
2-Family	2,555
3-Family	154
4+	268
Other	447
Total	8,357

Single Family Dwellings with Housing Licenses Issued



Follow-Up from July Planning Commission Meeting

1. Conversion of existing single-family homes is not supported.
2. Consider attached / detached accessory dwellings and over garage / accessory structure improvements.
3. Support increase in principal structure lot coverage.
4. Consider maximum lot coverage that limits ability to create 100% impervious lot.

Outline of Revised ADU Amendments

1. Section 1103.02(c). New definition.

- a) “Accessory Dwelling Unit” means a self-contained dwelling unit designed for occupancy by one family for living and sleeping purposes that provides complete independent living facilities, including its own entrance, kitchen, bathroom, and sleeping area that is located on the same lot as a larger single-family dwelling that serves as the principal use of the lot; and whose use is subordinate and incidental to the larger single-family dwelling.

2. Section 1133.06. Modified language from that presented by Ordinance 07-2023.

- a) No single-family structure shall be converted to or enlarged or altered to accommodate more than one (1) family, except that an accessory dwelling unit may be attached to single-family structure in the R2 District as authorized by Sections 1123.04 and 1161.03(bb).

Outline of Revised ADU Amendments

3. Sections 1123.04 and 1161.03(bb). New language allowing attached and detached accessory dwelling units on R2 zoned lots with the following conditions (listed generally for purposes of this outline):
 - a) Conditional use permit required.
 - b) An accessory dwelling unit is only permitted on a lot having one existing dwelling unit.
 - c) The lot must be owner occupied.
 - d) The accessory dwelling unit must be attached to the principal structure, detached, or over an accessory structure. If attached, the accessory dwelling unit cannot be established using any part of the principal structure building envelope.
 - e) Must be located in the side or rear yard and not closer to any street frontage than the principal structure.
 - f) Must provide one designated off-street parking space on the property on which the accessory dwelling unit is located.
 - g) Minimum area as required by current building code in effect at time of application.
 - h) Maximum area:
 - i. For detached accessory dwelling units and accessory dwelling units that are attached to the principal structure, 50% of the gross lot coverage of the principal structure, excluding and porches, decks, or patios or 800 sq ft, whichever is less.
 - ii. For accessory dwelling units located over an accessory structure, the maximum size prescribed by 1123.09(b)

Outline of Revised ADU Amendments

3. Sections 1123.04 and 1161.03(bb). New language allowing attached and detached accessory dwelling units on R2 zoned lots with the following conditions (listed generally for purposes of this outline):

(continued from previous slide)

- i) For accessory dwelling units attached to the principal structure, the maximum height equals that established for the principal structure. If detached or over an accessory structure, the maximum height equals that established for an accessory structure. In no case, shall the height of the accessory dwelling unit exceed the existing height of the principal structure.
- j) For accessory dwelling units proposed over an existing accessory structure, the existing structure must meet current Building Code requirements.
- k) Must be designed to be consistent and harmonious with the existing principal structure.
- l) Cannot split or convey the accessory dwelling unit apart from the principal structure.
- m) Minimum rental term is thirty (30) days.
- n) Must be separately addressed and posted in accordance with Ohio Fire Code.
- o) Penalties for non-compliance.

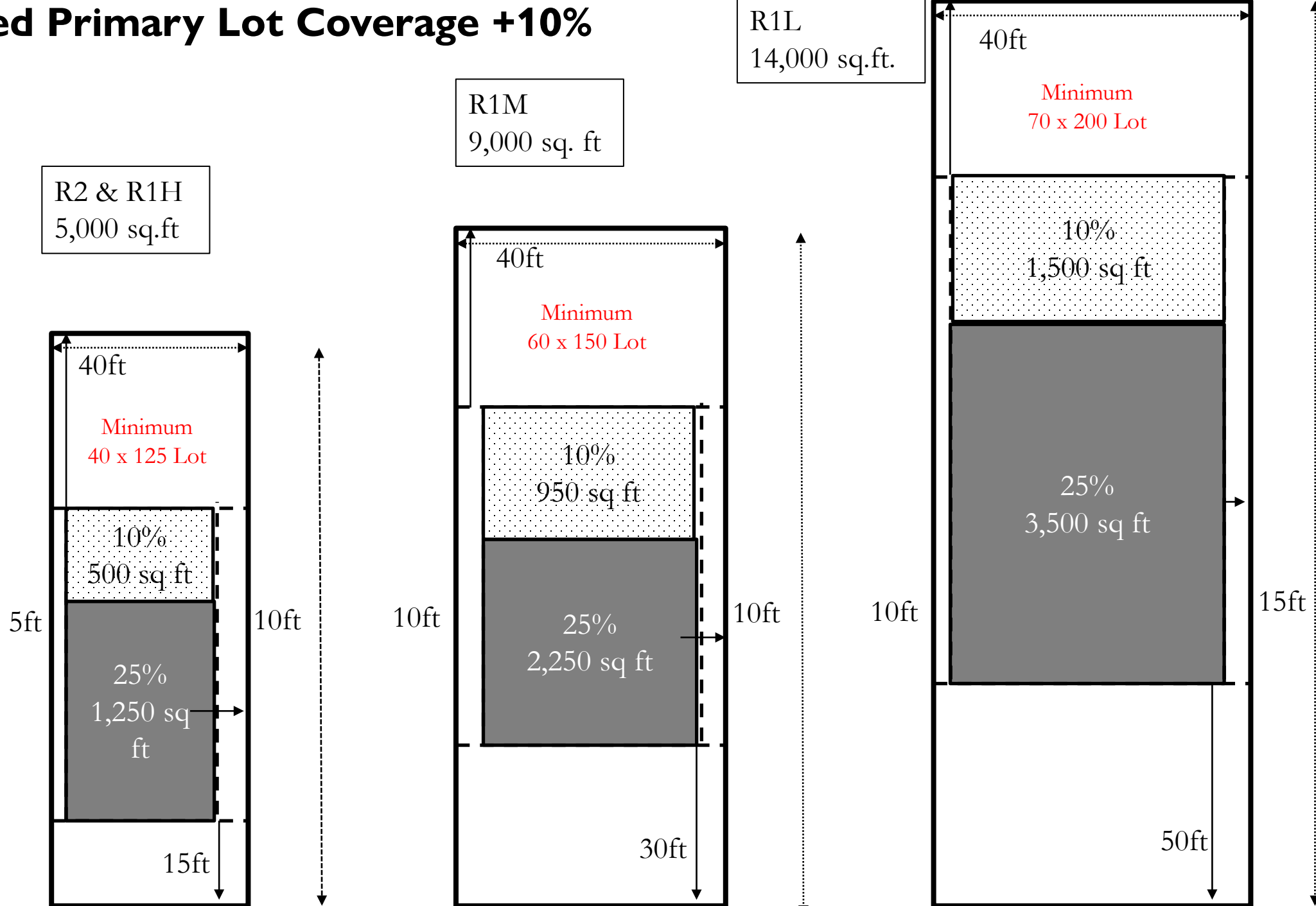
Outline of Revised Lot Coverage Amendments

1. Section 1103.02(tt). New definition.
 - a. “Lot coverage, maximum” means the portion of the lot covered by any structure or constructed element that impedes infiltration of stormwater into the ground or disrupts vegetated surfaces. For purposes of determining maximum lot coverage, buildings, structures, or constructed elements that allow some infiltration, such as decks, patios and driveways, porous pavers or concrete, or other elements that disturb ground cover shall be counted towards the total surface coverage unless it is demonstrated it is a functional and integral part of a stormwater system and best management practice as determined by the City Engineer.

Outline of Revised Lot Coverage Amendments

2. Sections 1121.09 and 1123.09. New and modified language from that presented by Ordinance 07-2023.
 - a. The principal structure including ~~decks, patios, etc.,~~ attached accessory dwelling units shall not cover more than ~~twenty-five percent (25%)~~ thirty-five percent (35%) of the lot area.
 - b. ~~Arbors, trellises, exterior steps, fences, and living fences shall be excluded from the lot coverage requirement.~~
 - c. An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1121.03. However, any accessory dwelling unit not located above an accessory structure shall not be included in this calculation.
 - d. The maximum lot coverage shall not exceed the following:
 - i. 90% in the R2 and R1H District; [Section 1123.09]
 - ii. 70% in the R1M District; and [Section 1121.09]
 - iii. 60% in the R1L District. [Section 1121.09]

Proposed Primary Lot Coverage +10%



City Staff Recommendation

City Staff requests the Planning Commission deliberate and provide specific direction on the proposed revisions and then defer this item until the next meeting scheduled for September 7, 2023.



Planning Commission

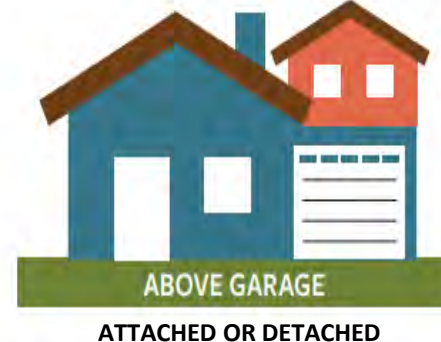
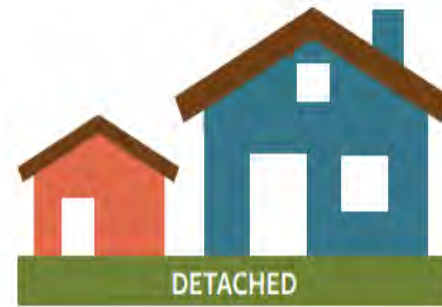
August 3, 2023



What is an ADU?

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

ADU = Accessory Dwelling Unit



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

ADUs Are In Lakewood With Restrictions



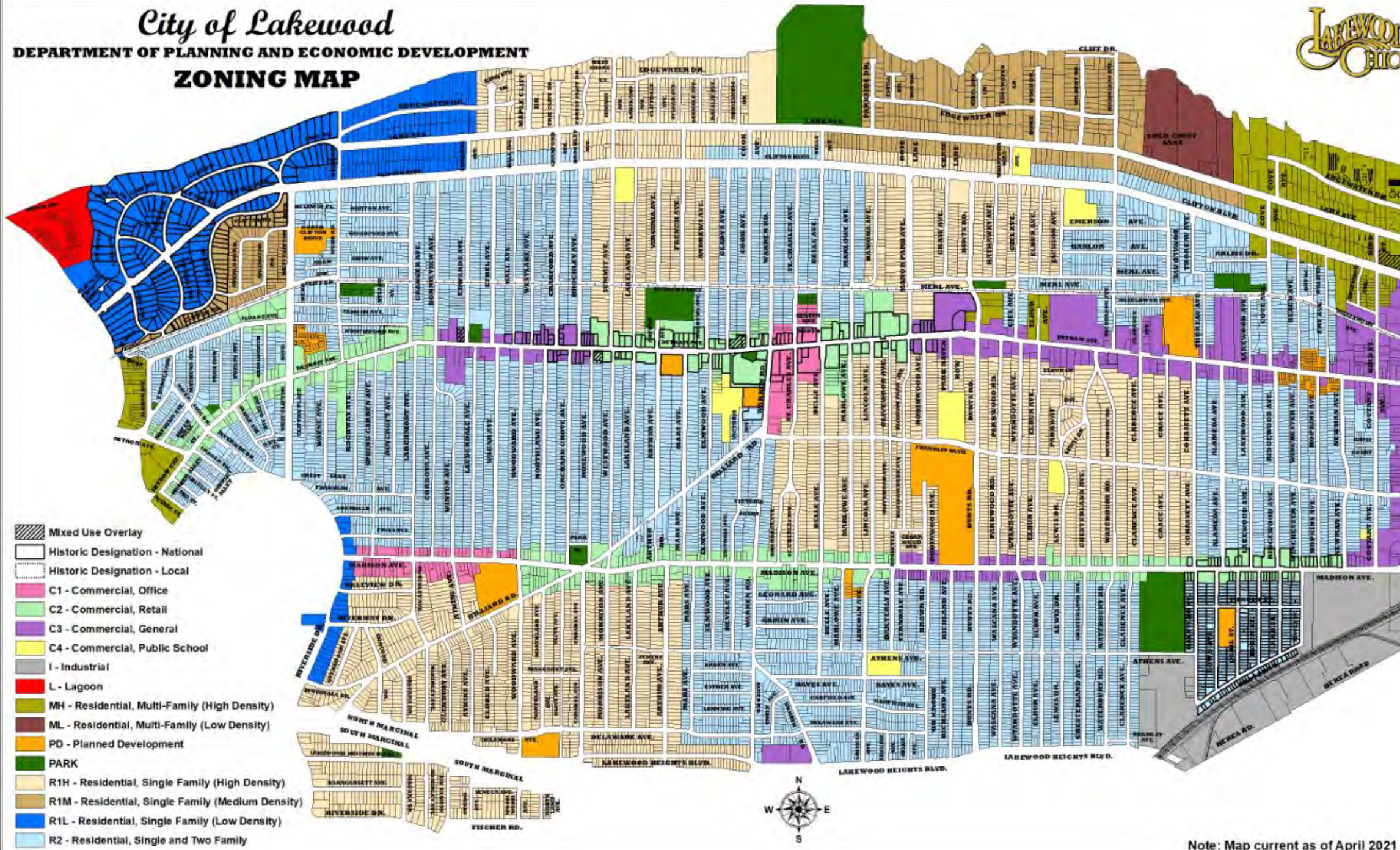
What is permitted?

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

City of Lakewood

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

ZONING MAP



Note: Map current as of April 2021

Residential Parcels by Zoning District

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

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

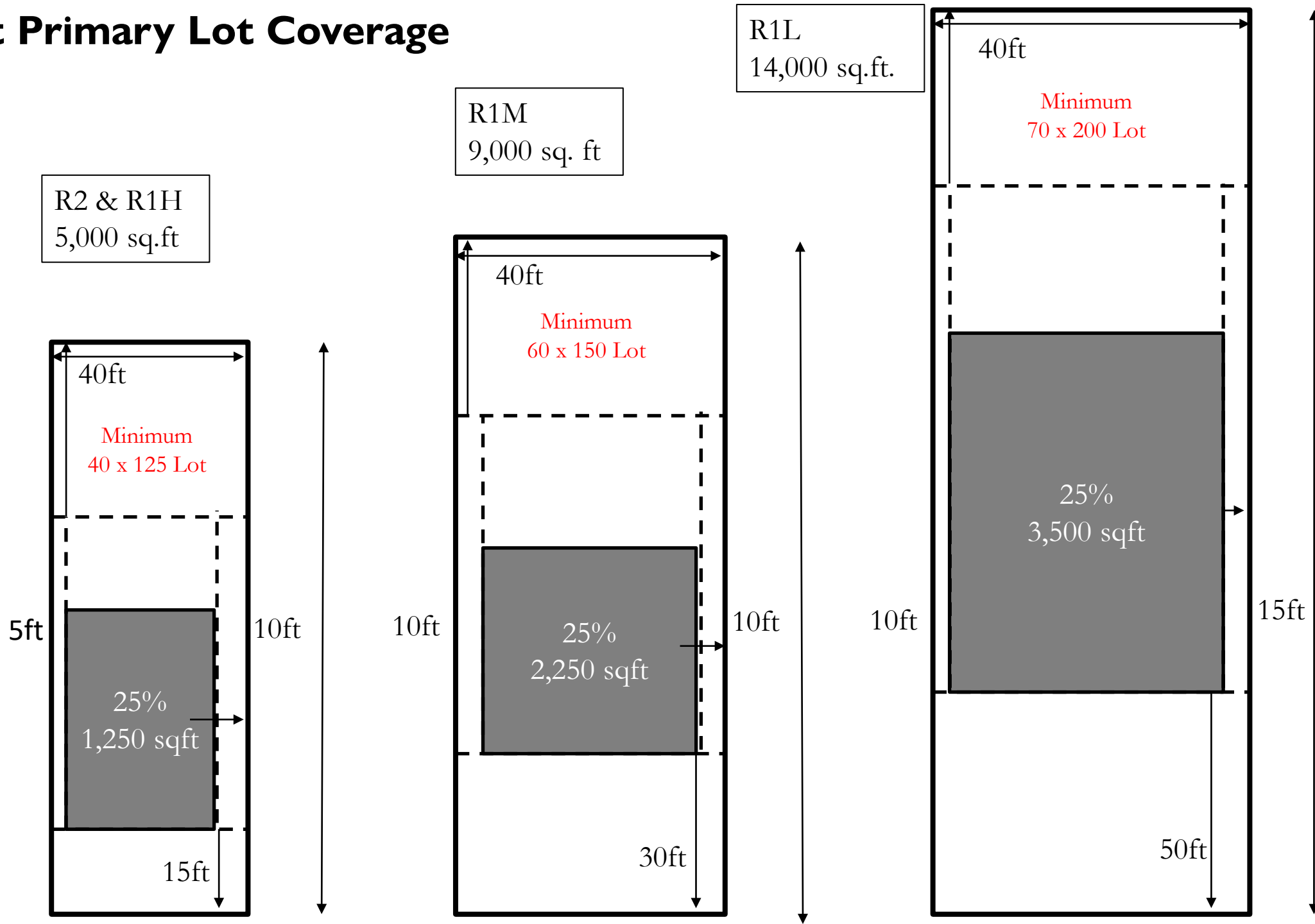
Repeal Section 1133.06

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

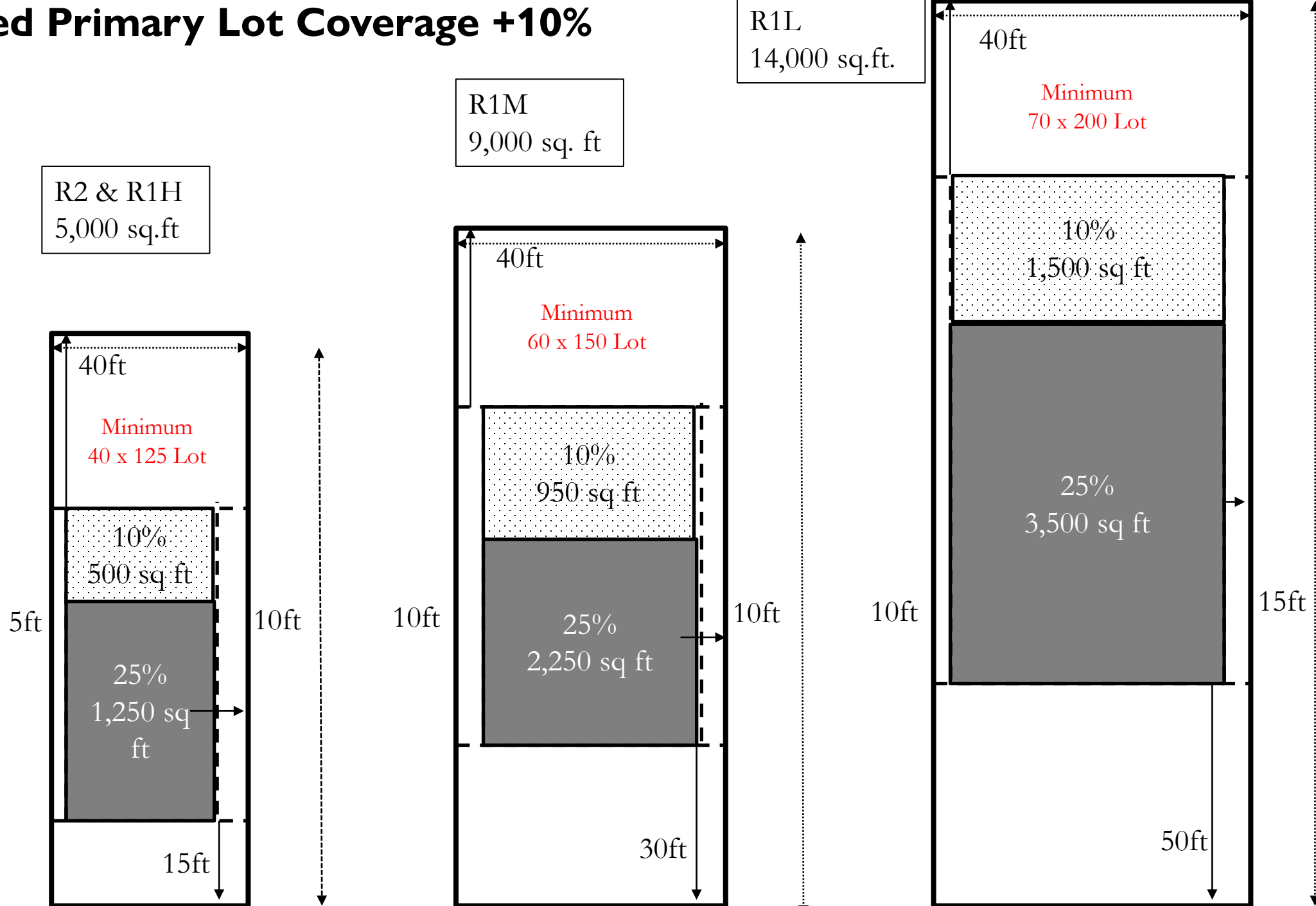
1133.06. Conversion of Single-Family Structure Prohibited. No single-family structure shall be converted to or enlarged or altered to accommodate more than one (1) family.

is hereby repealed.

Current Primary Lot Coverage



Proposed Primary Lot Coverage +10%



Lot Coverage Comparison

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

Amend Sections 1121.09(a) and 1123.09(a)

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

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

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

Request

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